

Pro Populi Anglicani:
O R,
The SUBJECTS Right
O F *K. English People*
PETITIONING
Set forth.

Occasioned by the CASE of the
KENTISH Petitioners.

With a LIST of the Members of this
present PARLIAMENT who re-
fused the *Voluntary Association*; As
also a Catalogue of the Names of the
Persons committed by the House of
Commons:

ANSWER'D.

Paragraph by Paragraph,
And made Publick, to undeceive the
Minds of those that are prejudic'd by
the pernicious Tenents which are made
use of in the said *Scandalous Libel*.

*Invidens Honoris meo, ergo inuideant Labori, Innocen-
tia, Periculis etiam meis; quoniam per haec illum
cepi.* Olat. Marii ad Quirites ex Salust. Hist.

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The following is a list of the names of the
 persons who have been appointed to the
 office of the Secretary of the
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 of the
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 for the
 year 1871.



A. S. W. R. 1871
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THE PREFACE.

THE Preface that lets us into the Design of this piece of Malignancy, being too prolix for the Body of the Treatise, and of too great a Bulk for what is subsequent to it, I shall hold it unnecessary to give it the Reader verbatim, or answer it in the same method, that is, Paragraph by Paragraph; but, by way of Abridgement, take notice of what is most remarkable in it.

He begins with the dissatisfaction which the Nation in general has entertrind against the management of the House of Commons, but more particularly their Treatment of the Five Kentish Gentlemen: when 'tis manifest from the reception which some of the Leading Members in that Affair have had in their several Counties and Burroughs, and the Universal Acclamations they have been welcom'd home with, that the People whom they represented had a grateful sense of the Services they had done 'em, and had been neither led away from their Duties by the sight of Thom. Cockerill's fine piece of Sedition, the Kentish Petitioners Picture, nor by Squire Tate's most elaborately dull Poem in praise of his thick-skull'd Worthies.

~~But because~~ the People are generally known to stand by the Acts of their Representatives, (which is a tacit Confession, that they stand by what has lately been transacted, and contradicts the displeasure of the Nation in general, which he positively affirm'd to be burning hot just before) he excuses himself, and makes an Interest with them not to misinterpret his meaning; for he does not reflect on the People in general, but those particular Counties and Boroughs that chose those Gentlemen who forwarded the Commitment of his mutinous Favourites; that is, the Majority of that Honourable House. A sign indeed of a general Dissatisfaction, when he owns the Electors stand up in Vindication of the Elected, which were known to be two thirds of the Members of Parliament, and certainly must lessen the number of his Complainants!

He brings it for an undoubted Maxim, (as surely it is) That if things are done contrary to Justice and Reason, the Majority of the House does not give a Sanction to them; which Negative includes this Affirmative, That where Justice and Reason are the only Motives for a Vote or Resolution of the House, there a Majority certainly stamps an Authority upon it. But he either takes it for granted, and would have us do the same, that those Worthy Members acted contrary to Justice and Reason, or knowing himself to be incapable of proving the Charge upon em, purposely omits running into the Detail of that Injustice, and keeps his Reasons for another opportunity.

In another place he says, Their Imprisonment was not an Act of the whole House, because the
honestest

The Preface.

V

honestest part of it, meaning those that were of his Party, dissented from it. Now in every man's opinion, what is agreed to by a Majority of Voices in any Community or Society of Men whatsoever, is look'd upon as an Act of the whole, otherwise some peevish discontented Members, that have no great Inclination to the present Government, or the Church by Law establish'd, might lessen the Credit of Bills of Supply, by saying it was no Act of the House, because He voted against it; or that such an Act of Parliament for the Preservation of the Protestant Religion was of no Force, because it had not His Concurrence.

Next, he pursues the malignity of his Discourse, by affirming, that the House of Commons are not the whole People of England's Representatives, but only of those who actually chose 'em; that the Power Legislative is only Representative in a Political State. To make the Absurdity of this Argument appear, and that they are esteem'd otherwise, we need go no farther than the form of Words which is generally made use of in all Impeachments, part of which run thus: In the Name of the Commons, and all the Commons of England, &c. Now 'tis visible from hence, that they themselves think they represent All the Commons of England, otherwise they would not make use of their Names to impeach Offenders in, or those who are look'd upon to be the most judicious part of the Nation are mistaken in their Sentiments, which it is not Manners even so much as to suppose. If the Legislative Power is their Representative, certainly the Legislators themselves may claim the same Title, since they are invested with that Power, and
have

have the exercise of that Authority which he gives his decision in favour of.

Another thing that seems (as he pretends) to discourage him from the Prosecution of the Discourse he has so manfully undertaken, is the Judgment people will make of his Intentions, and the Censure that probably will fall on him for designing to serve a Party; and to let us into the knowledge of what he means by the word Party, he gives us the Character of a Tory as given by himself, and the Principles of a Whig according to the definition of Men of that detestable Persuasion. Amongst the Tories he intermixes a List of some Worthy Members, as the Speaker's Brother, &c. and seems to make a wonder why they, that were Men of the greatest inveteracy to the true Tory Principles, should be blended with Sir Edward Seymour, Sir Christopher Musgrave, and others. I know not what he means by the true Tory Principles: but if he stands to the Account he makes the Gentlemen of that Name give of themselves, it's what they need not be ashamed of, especially when Men of direct contrary Principles stand up in opposition to 'em.

However, at last, tho' he seem'd unwilling to be reckon'd a Scribe to a Party, he seems proud to own that he copies from St. Paul to the life, and, like a true Pharisee which that holy Man was a Son of, makes use of the Apostle's words: After the way which they call Heresie, so worships he the God of his Fathers; that is, makes an Idol of Sedition, and bows the knee to the Baal of those that are restless and discontented. He needed not have made this Confession; for a man would have guess'd as much from the Title of his Book, and drawn an

Inference from his uneasiness under Parliamentary Proceedings that he was a Lover of Anarchy and Confusion.

Nothing more occurs in his Prefatory Declamation, besides his concern at the Bill against the Translation of Bishops; which he reflects upon Sir John Pakington for, being to be sure a false Friend to the Bishop of Worcester, whose many Translations from one See to another it seems to squint at, and the good Bp. of S--ry's acquaintance, who has all manner of reason to think the Diocese of Winchester better than his own, and who deserves the highest Preferment in the Church as much as he does what he is now possess'd of. Why he should be so zealous for Episcopacy, 'tis not in my sphere to imagine, unless he stands up for that Holy Order by way of opposition; or why he falls upon the Lower House of Convocation, unless he would shew himself a profess'd Enemy to all Clergy-men who will not be rid upon. He was for the Liberty of the Lay-men just before; but would have the inferior Clergy, which are the most Exemplary Men for their Learning and pious Conversation of all that wear that holy Garment, have no manner of Privileges; which shews, that he's for having a Power assum'd over all People but Men in his own station, and even is resolv'd to maintain hard and fast, that the Lords should exercise a Despotick Authority over those that represent the Nation, even to such a despicable Partizan as he is: when what Memmius says in his Oration to the People of Rome concerning the Exorbitancy of Power usurp'd by the Nobility, may be adapted to our purpose, and may serve as a sort of remembrance to that Venerable
Assembly

Assembly which has lately so honourably asserted its Rights and Privileges. Superioribus Annis taciti indignabamini Aerarium expilari, Populos Liberos paucis Nobilibus Vestigal pendere, penes eisdem & summam Gloriam, & maximas Divitias esse: tamen hæc talia Facinora impune suscepisse parum habuere: Itaque postremo Leges, Majestas vestra, Divina & Humana omnia hostibus tradita sunt, &c. At qui sunt hi qui Rempublicam occupavere? Homines sceleratissimi, cruentis manibus, immani avaritia, nocentissimi idemque superbissimi, quibus Fides, Decus, Pietas, postremo honesta atq; inhonestæ omnia quaestui sunt. What sort of Grievances this Orator hinted at, may be seen in the History of those, and whom these Complaints are apply'd to, may be known from the Constitution of the present Times: so that there needs no other Explanation but that the Commons of England would have been in the same Condition, were it not for the prudent Resolves of our present Senate.

Fura

Jura Populi Anglicani

ANSWER'D.

Paragraph by Paragraph.

THE Death of the King of Spain, and the alteration made in the Affairs of Europe by the Settlement of his Dominions, has caus'd a general Consternation in all those Countries which before had any apprehensions of Danger from the growing Power of France. Among them all, none has more reason to be alarm'd than England, since, when we consider our Situation, the Affairs of Commerce and Religion, and the Interest not only of the Abdicated Family, but of their great Protector likewise, among us: we must allow that no other Nation (unless perhaps we will except *Holland*) is more immediately affected, and likelier to feel the first dire effects of this unhappy Conjunction.

This the People of *England* are generally sensible of; and 'tis to this sense of their Danger, and the suspicion they have entertain'd of a much greater inclination to continue than destroy this Union of Power, that we are to ascribe their Discontents, and the Resentments they have express'd against their Representatives, to a degree never before known in any Age of our Government.

'Twas in the midst of these Clamours that ec-
cho'd through the Kingdom, and the universal dis-
satisfaction of the People at the Proceedings of the
House of Commons, that the five Kentish Gentle-
men presented this following Petition, agreed to
by the Gentlemen Justices of Peace, Grand Jury,
and other Freeholders, at the General Quarter-
Sessions holden at Maidstone, the 29th of April, in
the 13th year of his Majesty's Reign.

" **WE** the Gentlemen, Justices of the Peace,
" Grand-Jury, and other Freeholders, at the
" General Quarter-Sessions at Maidstone in Kent,
" deeply concern'd at the dangerous Estate of this
" Kingdom, and of all Europe, and considering
" that the Fate of us and our Posterity depends up-
" on the Wisdom of our Representatives in Parlia-
" ment, think our selves bound in duty humbly to
" lay before this Honourable House the consequence
" of this conjuncture, of your speedy Resolutions,
" and most sincere Endeavours to answer the Great
" Trust reposed in you by your Country.
" And in regard, that from the experience of all
" Ages, it is manifest no Nation can be happy with-
" out Union, we hope that no pretence whoso-
" ever shall be able to create a Misunderstanding
" between our selves, or the least distrust of his
" Majesty, whose Great Actions for this Nation
" are writ in the Hearts of his Subjects, and can
" never, without the blackest Ingratitude, be for-
" gotten.
" We most humbly implore this Honourable
" House to have regard to the Voice of the People,
" that our Religion and Safety may be effectually
" provided for; that your Loyal Addresses may
" be turn'd into Bills of Supply, and that his most
" Sacred Majesty (whose propitious and unble-
" mish'd Reign over us we pray God long to con-
" tinue)

" (since) may be enabled powerfully to assist his Affair.
 " lies before it be too late.

And your Petitioners shall ever pray, &c.

Signed by all the Deputy-Lieutenants there present, above twenty Justices of the Peace, all the Grand-Jury, and other Freeholders then there.

Answer. There is no person in his senses but will grant, that the Spanish Succession, according to the Settlement made in his late Catholic Majesty's Will, has alter'd the Balance of Europe, and aggrandiz'd the Family of Bourbon to an extraordinary degree of Power: but no Inference is to be drawn from thence that We are oblig'd infinitely to have recourse to Arms, who are no Parties concerned in the said Will, who have no Right or Title to the said Spot of Ground, and who are the Kingdoms themselves, as it is, who have never had such a perpetual Peace with France and Spain, that cannot be violat'd without a manifest breach of Faith on the side of the Aggressor. Our Separation indeed, the difference of Religion, which they call Heretic, and the Interest the late King and his Family has in the nearest of those Kingdoms, may excite us to some Jealousies and Apprehensions of his most Christian Majesty's Designs, and make us provide against any Emergencies whatsoever, as far as the present State of the Nation will allow, and the weak condition of our Pockets, which have groan'd under the pressure of a long and expensive War, are capable to permit: but that a People should be dissatisfied with their Representatives that study'd the Conservation of the Peace, should enter into Clubs and Confederacies, and run canvassing after Subscriptions so disturb the publick Tranquillity, which has so lately been secur'd to us by the Treaty of Reswick, is a plain Indication that the persons who busie themselves in such Impertinencies

take Measures that are unjustifiable for their Imprudence, and deserve more than a Gatehouse-Punishment for the Presumption that bears it Company. As for the Petition, the Judgment which has been passed already upon it, and the Voice of that Venerable Assembly which declar'd it Scandalous, Insolent, and Seditious, has, I question not, such an Authority with those that have not bid adieu to their Understandings, as to render it of a very disagreeable and tumultuous Complexion; and if Inferiours, who have invested Superiours with the defence of their Rights and Privileges, and have resign'd every thing as it were to their disposal (as to those who are the best Judges of what is most advisable for 'em) take upon 'em to give Advice to their Councillors, as they prescribe Bills of Supplies instead of Loyal Addresses, they ought to be reminded of their Duty by such Punishments as may deter others from the like Arrogances. The Subject, says Sir Humphrey Mackworth in his judicious *Treatise*; has an undoubted Right to petition the Lord Chancellor, but not to give his Lordship any affront: and if he should presume in such a Petition to desire the Lord Chancellor to turn his plausible Speeches into just and righteous Decrees, I presume his Lordship might commit him to the Fleet for such an Indignity to the Court.

Jura Pop. Ang.

This Petition was offer'd to the House on the 8th day of May; the Gentlemen who deliver'd it, and own'd it at the Bar of the House, were Mr. William Colepepper, Mr. Thomas Colepepper, Mr. David Polhill, Mr. Justinian Champneys, and Mr. William Hamilton; for so I find all their Names written in the Votes, without the addition of *Esq*; tho' four of them were Justices of the Peace, and two Deputy-Lieutenants of the County. This was thought by some to be prudently contriv'd to lessen the Credit of the Petition among People without doors, and to make others less eager to follow the

the Example of those Gentlemen. Concerning the Petition the House came to this Resolution, That 'twas Scandalous, Insolent and Seditious, tending to destroy the Constitution of Parliament, and to subvert the established Government of this Realm. The five Gentlemen they order'd to be taken into the Custody of a Serjeant at Arms. The Treatment they had from him was very singular, and shew'd that they were under the high displeasure of the House; for when he accidentally saw two of them talk together, he drew his Sword upon his Deputy for permitting it; and when upon one of those Gentlemen's demanding a Copy of their Commitment (which they reckon'd they had a Title to, by virtue of the *Habeas Corpus Act*) and his refusing it, the Gentleman said, he hop'd the Law would do him Justice: his Reply was, that he car'd not a far for the Law. The Reverence of the Law is fallen very low indeed, when one who has the Honour of being a Servant to the House of Commons can presume to make so bold with it. In his Custody they continu'd till the 14th of May, when he (contrary likewise to the *Habeas Corpus Act*) by an Order of the House of Commons, and a Warrant issu'd out from the Speaker, deliver'd them Prisoners to his Majesty's Prison at the Gatehouse, where they continu'd to the end of the Session. Besides this severe Punishment inflict'd by themselves, that they might shew their utmost Resentment, and proceed to all the Severities in their Power, they at the same time resolv'd upon an Address to his Majesty to put them out of the Commissions of the Peace and Lieutenancy.

Ans^r. The omission of the Title of Esq; it seems sticks mightily in the Gentleman's stomach, because four of 'em were Justices of the Peace, and two Deputy-Lieutenants: when the very Orders of the House, as may be seen in the printed Votes, very seldom give that sonorous Appellation to their own Members, but run thus:
Order'd,

Order'd, That Mr. Such-a-one carry the Bill to the Lords, &c. But the Engraver that gave us their Seditious Effigies has pleas'd 'em to the life, in not only curving Squire Colepepper, &c. but hanging 'em their Coats of Arms into the bargain. The Sergeant at Arms for his part is known to be a Gentleman of singular Humanity; and if he is obliged to make use of some things that may look like Seditious, is in fear of disobliging the Members of that House whose Servant he is, and where it is his Interest to keep a good understanding with, in his valuable Post; And Mr. Powell's respect for the Laws, as well as the Legislators, is so great, that he utterly denies any other Reflection on it, than that when one of the five Mutineers address'd him with a Prosecution, he gave him no answer, but in more decent Terms, that he defied him, since he was under the Protection of that high Power which would stand by him in the Execution of his Office.

The Imprisoning of these Gentlemen is the Fact which comes under my consideration. In order to handle this Subject fully, 'twill be necessary that I consider these things: First, What Power the House of Commons has to imprison. Secondly, The Subject's Right of Petitioning. Thirdly, What Reasons the Gentlemen, Justices of the Peace, and Grand Jury of the County of Kent, had to offer that Petition when they did.

First, I am to consider what Power the House of Commons has to imprison. Tho' this enquiry may by some be thought needless in this place, since a bare setting forth the Subject's Right to petition will be sufficient to shew us what we are to think of the imprisoning of the Kentish Petitioners; yet the best way, I think, to enable us to make the truest Judgment concerning this Fact, will be to examine what Provision the Laws have made for the Liberty of our Persons, and how far we are subject to the Will of the House of Commons.

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Such an enquiry would be highly necessary at this time, tho' the treatment of the *Kentish* Petitioners had given no occasion for it. Great Numbers of other Subjects have been imprison'd by them this Session, to the horror and amazement of all those who know the Rights and Liberties of the People of *England*, and therefore cannot but be concern'd to see them so miserably usur'd. To prevent such Acts of Power for the future, 'tis necessary that we show that they are meer Acts of Power and manifest Inroachments on the Liberties and Rights of the People. If there be any who still retain the old fond Opinion they had of the Peoples Representatives, and think that our Liberties are sufficiently provided for when they are in the hands of such Guardians, and that we can suffer no great Inconvenience by any Power which they are entrusted with, I would desire them to enquire how *Mr. Justice* (committed for the writing the Letters which he received from *Sir Edward Seymour* and *Mr. Colson*) and *Mr. Hassam* (committed on *Mr. Samuel Shepheard's* Account) were treated by the Serjeant at Arms in their Confinement; and consider whether such Severities are not sufficient to convince them, that the Peoples Representatives (as they are call'd) are not to be complemented with more Power over the Liberties of the People, than our Laws and Constitution do allow them? Do not the fierce and rigorous Prosecutions which we have seen make it evident to us, that Men can fall under no Resentment, no Rage, or Vengeance, more outrageous than that of a Party? Don't we see how regardless Men can be of their Reputation, what little and unbecoming Artifices they can stoop to, when they are intent upon breaking an opposite Faction? Is it fit then that in such a disorderly and divided State, Men should be entrusted with excessive Power, who are inclin'd to make so ill use of it? If by our Constitution the House

of Commons, were allow'd a Power to restrain the Freedom of our Persons, as they should think fit, for the good of the Community, the exercise of that Power, however rigorous and severe, would (if it were free from the bias and influence of Parties) be as patiently born from them, as any other hands whatsoever. But if by a Lawless and Arbitrary Power they invade that Freedom which an excellent Constitution entitles us to, 'tis impossible that a regard for the Persons who afflict us should reconcile us to the Suffering. 'Tis my business here to discover whether they have done so, or no. The properest method to do this, and to satisfy this first enquiry concerning their Power to imprison, will be, First, to examine how far our Laws have secured the Liberty and Freedom of our Persons. Secondly, to examine whether the Power exercis'd by the Commons be not repugnant to the Laws, and plainly destructive of our Constitution.

*Ans. The Method that our Author promises to take in Vindication of those Gentlemen, he should by all means call Squares, on account of their high Posts, has all imaginable appearance of what is fair in it; and his Orthodox way of dividing the Text into three Parts has been so long approv'd from our Pulpits, that no Exceptions can be made against it. But we may make an estimate of his designs to state the Case, and in whose favour he intends to decide the business in hand, from the little Artifices he makes use of in relation to Sir Edward Seymour's Letter, and the Treatment of the righteous and plain-dealing Mr. Shepherd's Agent. He tells us Mr. Buckley and Mr. Haslam were hardly us'd; the first committed on account of very indecent Reflections on an Honourable Member of the House, which is a Breach of the Privileges of Parliament; the last for his concurrence with indirect practices, and forwarding the great Concern of Bribery, which was in agitation amongst some persons who have
been*

been expell'd the House, but he would instance in the particulars, were there any Truth in his Allegations, he lays down in such general Terms. If they had a severe Treatment, 'twas the just Result of their Crimes, and those Persons who are now at Liberty, ought to thank the House that they did not make use of further Severities, since the Law directs Punishments beyond Imprisonments in Cases of Bribery, and orders a plenary Redress for false Accusations. What is hinted at further in this Paragraph is so much of a Piece with what is gone before, that it will be unnecessary to dwell any longer upon it, and therefore let us look into his two Subdivisions, in relation to the Common and Statute Law.

As to the first enquiry, 'tis evident that both the Common and Statute Law, of this Land, as they suppose Men to have an Inheritance in the Liberty of their Persons, so have they taken an imaginable care to secure them in the Possession of this Inheritance.

1st, As to the Common Law, we know what favour she shews to the Liberty of our Persons. This was so great, that formerly she suffered none to be imprison'd, but for Force, and things done against the Peace. Force indeed she (being the Guardian and Preserver of the Land) could not but abhor; those therefore that committed it, she accounted her Capital Enemies, and did subject their Bodies to Imprisonment. In all other cases she protected them from this Restraint. This was our Constitution in the time of the Saxon Kings, and a long while after, till the 3rd year of Hen. 3^d, who was the eighth King from the Conquest: Because Bailiffs would not render Accounts to their Lords, 'twas then enacted by the Statute of Martebriug, cap 24, that their Bodies should be attach'd. Had this Law been a little unreasonable, 'tis no great wonder that it should pass at that time, considering the weakness of the

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King, and the Power of the Lords, in whose fa-
vour 'twas made. We may remark concerning
it, that the first Act to restrain the Subjects Li-
berty was procured by those Lords who forced a
Charter from the King to confirm their own Li-
berties. Three Reigns after this (23 Edw. 3. 17.)
because Men took no care to pay their Debts,
'twas provided by another Statute that their Bo-
dies should be attach'd. Before these Statutes, as
I said, no Man's Body was subject to be taken or
imprison'd otherwise than as aforesaid. As the
Moderation of our Ancestors in not enacting any
such Laws in all the Ages that went before, de-
monstrates the great regard they had for Liberty;
so did the Course and Practice of the Law after-
wards fully shew how great a Punishment they
reckoned to have it restrain'd, as by those Sta-
tutes. Before the Reign of K. John I. 'twas al-
low'd, that he who died in Prison discharged the
Debt, how great soever it was, for which he was
committed. The reason was, because they
thought Imprisonment a Punishment so great, that
no other Satisfaction ought to be demanded after
it. 'Twas the opinion they had of the greatness
of the Punishment, that made our merciful Forefa-
thers bear with Men in using such Acts of Force to
enlarge themselves, as are not now allow'd. The
Statute de frangentibus Prisonam, made in the first
year of Edward the Second, enacts that no one
shall undergo Judgment of Life or Members, for brea-
king of Prison alone, unless the Cause for which the
Person is imprison'd require such a Judgment. And
the Mirrour of Justices, which was writ before
this King's Reign, where it reckons up the Abu-
sions of the Common Law, tells us, That 'tis an
Abuse to hold an Escape out of Prison, or the Breach
of the Goal, to be a mortal Offence, **FOR AS MUCH**
AS ONE IS WARRANTED TO DO IT BY THE
LAW OF NATURE. All this cannot be won-
der'd

der'd at, when we consider how great an evil Imprisonment is reckon'd, and that 'tis in Law called Civil Death: Perdit Domicilium, Familiam, Vicinos, Patriam; he loses his House, his Family, his Wife, his Children, his Neighbours, his Country, and is condemned to live among wretched, and wicked Men. For this reason it is that as a Man, if he be threatned to be kill'd, may avoid a Feoffment, Gift of Goods, &c. So it is, if he be threatned to be imprisoned, or kept in Duress: that being reckon'd to be a Civil Death, any Specialty or Obligation, made by him is null in Law: And he may avoid the Action brought upon such Specialty, by pleading that it was made by Duress.

Answer.

The Common Law, it must be confess'd, shews great favour to the Liberties of our Persons, but certainly it has regard to what is Equitable and Just, and if Persons formerly were Imprison'd on Account of making use of force, or threatening to make use of it, or any other Breach of the Peace, he has brought an Argument against himself which Justifies the Confinement of the 5 Kentish Gentlemen, since the Law allows, that coming in a Tumultuous manner with Petitions, getting Subscriptions through a whole County to Affront the highest Courts of Judicature, is a direct Breach of the Peace. None of 'em being Imprison'd for Debt, it is needless to search into the Statute of Edward the 3^d, or for him to Quote it, but it is plain if the Gentleman that writes thus practices the Law, he may have Clients enough if he can clear Poor Debtors from any Obligations from Bonds which have been sign'd and deliver'd in Prisons.

As the Common Law has shewn a great regard, so secondly has the Statute Law of this Land abundantly provided for the Liberties of our Persons. This is evident from many Acts of Parliament. The first that I shall take notice of is the Grand Charter of the Liberties of England granted first in the

17th year of K. John, and renewed twice in the Reign of King Henry the Third. By that Charter it is provided that no Freeman shall be taken or imprison'd, unless it be by Judgment of his Peers, or by the Laws of the Land: That is, by Jurors who are his Peers; or by due Process of Law. That this is the meaning of those Words *per Legem terra*, or Law of the Land, will plainly appear from divers other Statutes which explain those Words. In the 25 Ed. 3. c. 4. we find them thus explained in these Words: *Whereas it is contained in the Great Charter of the Franchises of England, that no Freeman be imprison'd, or put out of his Freehold, nor of his Franchise, nor Free Custom, unless it be by the LAW OF THE LAND, it is accorded, assented, and establish'd, that from henceforth none shall be taken by Petition or Suggestion made unto our Lord the King, or to his Council, unless it be by Indictment or Presentment of his good and lawful People, of the same Neighbourhood where such Deed was done, in due manner, or BY PROCESS MADE BY WRIT ORIGINAL AT THE COMMON LAW; and that none be out of his Franchises or Freehold, unless he be duly brought in to answer, and forejudg'd of the same by COURSE OF LAW: And if any thing be done against the same, it shall be redress'd and held for null.* The 28th of Edw. 3. is very direct to this purpose: There 'tis enacted, That no Man of what Estate or Condition he be, shall be put out of his Lands or Tenements, nor taken nor imprison'd, &c. without he be brought in to answer by due PROCESS OF LAW. 36. Ed. 3. Rot. Parl. Num. 9. Amongst the Petitions of the Commons, one of them, being translated out of French into English, is thus; First, That the Great Charter, and the Charter of the Forest and the other Statutes made in his Time, and the Time of his Progenitors, for the Profit of him and his Commonwealth, be well and firmly kept and put in Execution, without putting Disturbance.

bance, or making Arrest, contrary to them, by special Command, or in any other. The Answer to this Petition, which makes it an Act of Parliament, is, Our Lord the King by the Assent of the Prelates, Dukes, Earls, Barons, and the Commonalty, hath ordain'd and establish'd that the said Charters and Statutes be hold and put in Execution according to the said Petition; which is, that no Arrest should be made contrary to the Statutes by special Command.

This explains the matter fully, and is of as great force as if it were printed; for the Parl. Roll is the true Warrant of an Act, and many are omitted out of the Books that are extant.

26 Ed. 3. Rot. Parl. Num. 30. explains it further; for there the Petition is, *Whereas it is contained in the Grand Charter, and other Statutes, that none be taken or imprison'd by special Command, without Indictment, or other due Process to be made by Law; yet oftentimes it hath been and still is, that many are bindred, taken and imprison'd without INDICTMENT, or OTHER PROCESS to be made BY THE LAW upon them as well of things done out of the Forreist of the King, as for other things: That it would therefore please our said Lord to command those to be deliver'd who are taken by special Command, against the Form of the Charters and Statutes aforesaid.* The Answer is, *The King is pleas'd if any Man find himself griev'd, that he come and make his Complaint, and Right shall be done unto him.* 27 Edw. 3. c. 18. agrees in Substance, when it saith, *Though it be contain'd in the Grand Charter, that no Man be imprison'd, nor put out of his Freehold without Process; nevertheless divers People make false Suggestions to the King himself, as well for Malice as otherwise, wherewith the King is often griev'd, and divers in the Realm put in Damage, against the Form of the said Charter: wherefore 'tis order'd that all they who make such Suggestions, be sent with the Suggestions before the Chancellor, Treasurer, and the Grand Council,*
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and that they there find Surety to pursue their Suggestions, and incur the same pain that the other should have had, (if he were attainted) in case that their Suggestions be found evil, and that then Process of the Law be made against them without being taken and imprison'd against the Form of the said Charter and other Statutes. Here the Law of the Land in the Great Charter is explain'd to be Process of the Law.

Answer,

As his Quotations from the Common-Law might have been left out, as bearing no relation to the Subject in hand, so he might have forborn the Recital of the Statute-Law. The great Charter, and several Acts of Parliaments in diverse King's Reigns since King John's Time provided for the Liberty of the Subjects, (viz.) That they should not be imprison'd without Process, or Indictment, but many subsequent Statutes since their times forward a due Execution of Justice, have taken care likewise of the Priviledges of our Superiors. as in the Reigns of their late Majesties Charles and James the 2^d. as also in those of Henry the 7th and 8th as may be seen likewise in the Parliament Rolls. For if Criminals were not imprisoned, and by close Confinement forc'd to appear and answer to their Indictments, what would become of the Law, and how large would be the Number of Offenders. If a Scandalous and defamatory Person, a Man that whispers about Jealousies and groundless Suspicions thro' the Nation, and vilifies the Magistracy must have his Liberty till he can be brought to a Formal Tryal, without doubt we should be to seek for the Malefactor at the day appointed for hearing his Offences? The wisdom of the Nation has therefore taken care for the bringing such Delinquents to Justice, tho' sometimes as in the Case of the Kentish Petitioners, the mercy of our Superiors has been such, as to content themselves with depriving 'em for some time of their Liberty, when they might have order'd them to be prosecuted after the breaking up of the Session, and this Power of Imprisoning

ing Persons that are not Members has been exercis'd and claim'd as an undoubted Right in the Commons in all former Reigns, and has been made use of thro' the whole Course of his present Majesty's, and never interrupted or attempted against till this very time, when Faction is grown barefac'd, and Malecontents dare shew themselves in Print, and shed their Venome in Publick Places.

From what I have here delivered, it appears what care both the Common and Statute Law have taken of the Liberty of our Persons; that the former abhor'd Imprisonment, and never allow'd it, unless it was when Men had been guilty of Force, and render'd themselves Enemies to the Community; and that the latter has frequently enjoin'd that it shall not be inflicted, unless it be by Indictment, or such due Process as the Law requires. What we have here said will assist us in

Answer,

What he has here deliver'd (in the words of the Preacher) has nothing to do with the Case of Persons whose defence he has undertaken; since any Intelligent Creature knows that Riotous Assemblies as getting of hands by way of Remonstrance against Parliamentary Proceedings, imply a sort of threatening, to make use of force if they did not comply without it; and Sir Edward Seymour's saying, that the Petition smelt of Forty One was very Apposite to the Papers. since the Proceedings in those days came to such a high head from the very same beginnings.

The second thing propos'd, which was to enquire whether the Power exercis'd by the House of Commons be not an Invasion of our Legal Rights, and tends not to subvert even our Constitutions? The Laws are called (Edw. 6. Fol. 36.) The great Inheritance, and the Inheritance of Inheritances, without which a man can have no Inheritance. The greatest Inheritance a Man hath is the Liberty of his Person, for all others are necessary and subservient.

subservient to it. If then the *House of Commons* have invaded that fundamental Liberty of our Persons, which by *Magna Charta*, and several other Statutes, as well as the most ancient Customs and Laws of this Land, we are entitl'd to, this will inform us how far the Powers exercis'd by them have destroy'd our Legal Rights. *Magna Charta* says, that no Freeman shall be taken or imprison'd, but by the Judgment of his Peers, or the Law of the Land: But 'tis certain that Men imprison'd by them underwent no Judgment of their Peers, were not committed by legal Process or by any Law that we know in this Land. I know 'twill be said, that by the Words of *Magna Charta* we are to understand not legal Process, but the Law of the Land generally, and that the Words extend to all the Laws in the Realm. Since then there are Laws and Customs in Parliament, and by those Customs Imprisonment is allow'd, 'twill be said in favour of the *House of Commons*, that they in committing People do not necessarily destroy that Right which we have by *Magna Charta*. 'Tis true, there are Rules and Customs in Parliament, and by those Customs they have a Power to imprison: But that is a Power which extends to their own Members; such a Power is necessary within their Society, because without it 'twould be impossible to keep the Members of it to such Rules and Orders as must necessarily be observed by so great a Body of Men, engaged in so weighty and important Business. Confinement here is no violation of the Right Men have to the Liberty of their Persons by *Magna Charta*; that Right they all give up, and submit to the Rules of the House, when they make themselves Members of it. It must be confessed that this Power has been extended farther to Persons who are not Members, as in cases of breach of Privilege, and Contempt. I shall not here take notice of the
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rise of this Power, and how great a Grievance the exercise of it has been to the People of this Land; but must observe, that if a Liberty has been taken of confining those who offer'd violence to *Members* in their own Persons, or in their Servants or Estate, because such Molestations, if allow'd, might give them too great disturbance, and ruin the Business of the Publick; yet it must not from hence be inferr'd that the *House of Commons* has an absolute or an unlimited Power to imprison whom, and for what cause they please. If there are some Confinements order'd by that House, which are not, 'tis sure there may be some which are repugnant to *Magna Charta*; otherwise *Magna Charta*, and all the other Acts which designed to secure our Liberties from the Invasions of our Kings, whose Subjects we are, and to whom we owe Allegiance, have left us expos'd to the Arbitrary Will of our Fellow *Commoners*, who (thanks be to God) have yet no such Rule or Dominion over us.

Answer,

'Tis certain, those that are the Peoples Representatives assert the Peoples Rights as they stand up for their own, since their Priviledges are inseparable; and that the five Prisoners beforemention'd, were legally committed since they receiv'd their Mittimus from the Fountain of Law from whence all Commitments proceed; and if ev'ry private Justice of the Peace can send Criminals, or at least those who are reputed to be so, to Goal, certainly, Gentlemen in such Publick Stations as the Members of the House of Commons may be invested with as high an Authority. The Magistrate he orders 'em to be kept in hold, in order to secure 'em to stand Tryal, and certainly they that make the Magistrate, in the Person of the Supream Magistrate, even the Kings most Excellent Majesty can have the same Prerogative over the People; and it no more destroys the Rights we have from *Magna Charta*, to

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imprison those that are not Members of their House, than it does, by confining those that are, since the same Custom that pleads for one may be alledg'd in defence of the other, and the People who are represented cannot have Pretensions to greater Priviledges than those that represent 'em. Either all Confinements order'd by the House, must be Agreeable to Magna Charta, or none can be; since the same Argument that destroys One, disannuls All, and we must either allow the Judgment of Parliaments for a Tryal by our Peers, or own no such Tryal has been made use of in Parliamentary Proceedings that were previous to Commitments.

Whether they have invaded our Rights contrary to Magna Charta, and in such instances as are a Subversion of our Constitution, will be evident to us, if we look over the Catalogue of their Prisoners, and examine the cause of their Commitment. The five Kentish Gentlemen, whose Case I am now considering, were imprison'd for a Fact no more prohibited by the Laws of this Land, than praying for the King, or that God would direct the Consultations of the Parliament, to the advancement of the Safety, Honour, and Welfare of our Sovereign and his Kingdoms. It would be too tedious to descend to particulars; of the great number which might here be taken notice of, as pertinent to my purpose, I shall mention only two, Mr. Paschal and Mr. Whitacre. The former was sent to the Tower, and kept there to the end of the Sessions, for not giving in his Accounts after the manner prescrib'd by the Commissioners of Accounts, pursuant to an Act of Parliament. The latter was committed, and continued likewise in his Confinement till the end of the Session, for being faulty (as the House of Commons thought) in the discharge of his Office, in an instance of taking Bail. After his Confinement, his Accounts which
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he had passed were examined, and they were made another Charge against him. Whether those Gentlemen were faulty or no, it concerns not me here to enquire. Mr. *Paschal* has printed his Case, and 'tis a very hard one, the Crime for which he was sent to the *Tower* was for not doing what was not in his power to do. But tho' he and others were guilty, 'tis certain that the punishing of them after that manner is nevertheless an Injury to the Publick. If Mr. *Paschal* was guilty of Contempt, and punished thus for not obeying an Act made in the Session of another Parliament, and Mr. *Whitacre* for being faulty in the discharge of his Office, may they not for the same reason charge all with Contempt who disobey Acts of Parliament, or are faulty in the execution of their Offices, and punish them after the same manner? Either they claim such a Power as this, or they do not: If they do not claim such a Power, as the Right of the Commons of *England*, then they own that they have been injurious to those Gentlemen in imprisoning them, and destroying that great and fundamental Right which they have to the Liberty of their Persons. If they do claim such a Power, they may seem to assume a Power which overthrows our whole Constitution. This will be manifest, when we consider the several Instances wherein it subverts the Laws, the Rights and Liberties of the People.

Ans^r. The List of the Prisoners committed by Parliament might be ten times as great, and yet the Prisoners under the same Guilt, and the Gentlemen that had 'em taken into Custody justified in their Proceedings, since the same Authority that entitles 'em to confine one, may make it lawful for 'em to commit more. But I cannot be induc'd by any means to believe that the *Kentish* Petition was only a Prayer for the King and the Safety of the People, when it tended to make a difference between 'em, and prescrib'd the giving Supplies

to their Consideration, who sat as Judges to consult when they were necessary. Particulars are things he cannot make out, therefore he speaks in general, tho' at the same time he flies from the particular Case of the Kentish-men to that of Mr. Whitacre and Mr. Paschal. The first is too well known, for the great Estate he has lately acquir'd in a Post of no very great Salary; and the last is remarkable enough for Actions when Commissioner of the Prize Office, not to justify their Commitments. Mr. Paschal, without doubt, could have given in a satisfactory Account in relation to the Prizes taken in the Streights, was not a certain Great Man who has rais'd his Fortunes by that gainful Expedition, at the bottom of the Plot; and Mr. Whitacre could have done the Nation very signal Service in relation to Captain Kidd's Affairs, had he taken better Security for the Appearance of a Prisoner, that would have let us into the knowledge of some Great Mens Practices that were Accomplices with him. But they knew their business; One was Rich, and would not detect those that had made him so; and t'other was Poor, and would not impeach him that was in a capacity of making him Rich. To what end therefore has the Parliament a Power to give Money for the Service of the Nation, if they have not likewise a Power to call those Persons to an Account, that either misapply it themselves, or permit corrupt uses of it in others?

First, It may be thought an Incroachment on the Power Legislative: For where the Commons are pleased to inflict such a Punishment for the violation of a Statute, as is not mentioned in the Statute, and was never designed by the Legislators, there they may seem to assume an Authority at least equal to that of the Legislative. To create a new Punishment, and superadd it to a Law, may be allowed to be the Act of a Power equal to that which made it; and in the present Case some may reckon it in some sense greater, since that Ad-
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dition makes it a Law with a Punishment *ex post facto*, which is a Power inconsistent with the Freedom of a People, and therefore is never made use of by our Legislators.

Ans^r. The Commons have one part, and that the most material, of the Legislative Power in their hands; they contrive Laws, and put 'em into Form, and might be said actually to make 'em, were not the Concurrence of the Two other Estates of the Nation altogether necessary towards the Enacting them: And how they can encroach upon their own Authority, is beyond my Sphere to determine, since we generally look upon Encroachments to be an Invasion of other People's Rights, and not our own.

Secondly, It may be deem'd an Encroachment on the Power and Rights of the King. He by our Constitution has the supreme and sole executive Power: He is *Caput & Salus Reipublice*: The Laws are his, and the Execution of them, wherein the Safety and Freedom of his People consists, are committed to Him, and those who derive their Authority from him. Where-ever therefore any part of his People take upon them to inflict Punishments without being authorized by him, or, which is the very same thing, by his Laws, some may think that his Rights are thereby invaded, and his Majesty lessened, not only by that Invasion, but likewise by his being thereby made, instead of a Ruler of a brave and free People, a Titular King of poor and contemptible Slaves.

Ans^r. The King is by every Subject's acknowledgment the Supreme Head of his Kingdoms: but the Commons Imprisonment of People who made too free with Gentlemen in their high Station, does not affect the Royal Supremacy, or take any thing from the respect that is due to it. It's true indeed, they do not represent the King as the ordinary Magistrate, but they assist him, are his Councillors, nay, such a part of his very
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Composition, that he cannot subsist without 'em, and certainly may be allow'd the same Privilege as every Officer of Justice is permitted the use of.

Thirdly, Some may account this an Invasion of the Rights and Liberties of the Kingdom, and such a one perhaps as destroys Freedom, and introduces downright Slavery. It may be worth *English* mens while to consider, whether they can form to themselves any other Notion of a State of Freedom and Slavery, than that in the former, Men are governed by Laws made by their *Representatives*, and are liable to no Punishments but what are prescrib'd by the Laws of that State: and in the latter, that they have no certain Rule to walk by, but are subject to the meer Will of One or More who claim a Power and Dominion over them. If they find these Notions to be true, they will do well to consider again, Whether they can avoid making this Inference, That they who assume a Power to punish a People who live under the direction of the Laws, without a Rule or Law, destroy the Rights and Liberties of the People, take away their Freedom, and reduce them to a perfect State of Slavery?

Answ. The Rights and Liberties of the Kingdom are inviolably preserv'd by 'em, unless keeping the Ballance even between Lords and Commons be an Invasion of 'em; and any person that has any Gratitude, in return for their Noble and Generous Resolutions this last Sessions, will never make use of any expressions to decry what has got 'em such Immortal Praise in the chiefest Courts of Christendom. If a Man should threaten to fire my House, it's my business to take him up by way of prevention, not to stay till he has executed his design, that the Law may have its immediate Course with him: I probably may be ruin'd whilst I intend to proceed regularly against him; therefore it's necessary sometimes to strike out of the common Road, and se-

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cure Malecontents from doing any harm, by Commitments, &c.

Against what I have here said, 'tis, I know, generally objected, That Justices of the Peace, Judges, and others, are allow'd to imprison Freeman, without being impeach'd of destroying that Liberty which they enjoy by *Magna Charta*, and the *Common Law* of this Land: Why then these Outcries against the *Honourable House of Commons*? The Answer is very plain and easie: The former are Officers appointed by the King, who is invested with the whole executive Power, to preserve the Peace of the Kingdom; and the latter are commissioned to do the same, and to preside in his Courts, and to administer Justice to his Subjects, which 'tis impossible for them to do without having a Power given them to confine evil and rebellious Subjects. The lower House of Parliament is no Court, has no need of such Power, being call'd by the King to assist him with their Counsel in Affairs of the greatest moment and weight, to bear a part in the Legislature, and to represent the Grievances of the Nation, and desire to have them redressed; but not to redress them themselves, by taking upon them to punish Offenders. If Judges, or Justices of the Peace, or others who are entrusted with this Power, exceed their Commission, and are oppressive and injurious to the Subject, there is a superiour Jurisdiction to appeal to for satisfaction, and Laws to determine whether Injury has been done or no: But if a House of Commons will punish thus without Law, there is no Authority or Power on Earth from which Relief may be had by Appeal, which in our Constitution is a very good reason against their having such a Power; for the Lord-Chief-Justice *Hussey* tells us, That Sir *John Markham* told King *Edward IV.* that he could not arrest a Man, either for Treason or Felony,

Felony, as a Subject might, because that if the King did wrong, the Party could not have his Action against him.

Ans^r. If *Justices of Peace* are cloath'd with the Power of Imprisoning without Process, &c. what should They be who sit at the Helm to inspect their Proceedings, and have it in their power to punish 'em, by calling them to an Account for Abuses or Maladministration? They are no Court of Judicature, but they are part of those Estates from whence all Courts of Judicature belonging to this Nation have had their first Establishment, and ought to have the Preference, as much as the thing created in inferior to Him that made it. As for Sir John Markham's Observation, that the Subject can have no Action against the King, the many Law-Suits we have seen continu'd lately between the King and the Subject make appear to the contrary; for otherwise a Prince may do what he pleases, and seize upon any one's Estate without any manner of Right to it.

It may be farther urg'd, That as Judges having a Power to settle and determine Property, is a reason why they should have a Power to imprison, because the one is impracticable without the other: So the House of Commons not having a Power to determine concerning Property, is a reason why they should not have a Power to imprison. *Cui non convenit minus, ei non majus convenit*, is a Maxim among the Logicians, and is a good Argument in the present Case. If the House of Commons have no Power over our Goods, then *a fortiori* not over our Persons to imprison them, because they are much more valuable than either Goods or Lands. This Christ himself declares, when he tells us, that the Body is more than Raiment, where by Raiment the Canonists understand all outward things whatsoever. Our Laws also make this clear, and give the preference to the Body. 'Tis

a Rule in Law, that *Corporalis injuria non recipit estimationem e futuro*: So as if the Question be not for a Wrong to the Person, the Law will not compel him to sustain it, and afterwards accept a Remedy; for the Law holds no Damage a sufficient Recompence for a Wrong that is Corporal. There are Cases in Law that prove this Rule. If one menace me in my Goods, or that he will burn the Evidence of my Land which he hath in his Custody, unless I will make unto him a Bond, there I cannot avoid the Bond by pleading of this Menace: But if he restrains my Person, or threatens me with Battery, or with burning my House, which is a Protection for my Person, or with burning an Instrument of Manumission, which is an Evidence of my Enfranchisement; upon these Menaces I shall avoid the Bond by Plea. So if a Trespasser drive my Beast over another Man's Ground, and I pursue to rescue it there, I am a Trespasser to him on whose Ground I am: But if a Man assault my Person, and I for my Safety fly over into another Man's Ground, there I am no Trespasser to him: for *quod quis in tuitione sui corporis fecerit, jure id fecisse existimatur*; What a Man does in defence of his Person, he is reckon'd to do it lawfully. Nay, which is more, the Common Law did favour the Liberty, not only of Freemen, but even of the Persons of Bondmen and Villains, who have no Right of Property in Lands or Goods, as Freemen have. The Lord by the Law could not maim his Villain; nay, if he commanded another to beat him, and he did it, the Villain should have his Action of Battery for it against him. If the Lord made a Lease for Years to his Villain, if he pleaded with him, if he tender'd him to be a Champion for him in a Writ of Right, any of these Acts, and many others, were in the Law Enfranchisements, and made those Villains Freemen. From all which it appears, That the Law has a

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greater regard to our Persons than Estates; which, as I said, is a good Argument why the House of Commons, who have nothing to do in regulating or determining our other Properties, should not have a Power over the Liberty of our Persons.

Ans^r. *The Commons have a Right to determine and settle Properties, if the many Bills pass'd in their House relating to Entails of Estates, and the many Pleadings by the Learned in the Law before 'em as Judges, can entitle 'em to it. They cannot indeed alter a Settlement without Application made to 'em by the Parties concern'd; neither can a Judge give his definitive Sentence in a Cause, without it be brought into Court. As they are authoriz'd to be Judges in matters of Estate that are doubtful, so it is apparent from Example, and one of a fresher Date, the Case of Sir John Fenwick, they can go beyond Imprisonment of the Body, and punish it with Death. If therefore they can Attaint where the Laws that have been made are of no force, and the Interpretation of 'em is in favour of the Criminal, they may certainly Imprison by his own approv'd Maxim, since Confinement is a business of less Concern than that which is incomparably superior to it, (viz.) Infliction of Death.*

Sir John Fortescue, the Learned Chancellor to King Henry VI. writing (*de Dom. Polit. & Regal.*) of this Kingdom, saith, *Regnum illud in omnibus Nationum & Regum temporibus, iisdem quibus nunc regitur legibus & consuetudinibus regebatur.* This Saying will not sute our Times; we cannot say, That the Laws and Customs which we are govern'd by, are the very same with those by which this Kingdom was govern'd in the Times of all the former Kings, and the several Nations that came in hither. The Power assum'd by the House of Commons in executing Laws, and imprisoning Men, is a very new thing, and makes our present State very different from our antient Constitution.

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The last year it had its beginning, when Sir Ric--d Lev--g was sent to the Tower, and kept there to the end of the Session, for telling a friend some things that were spoken by some of the other *Irish* Commissioners, in their private Conversation. This Commitment, however unreasonable it seem'd to some, who knew that he was less guilty of any Breach of Privilege than if he had spoken reflectingly of a Member of Parliament's Horse, yet was not wonder'd at by others, who consider'd the Resuming Bill it self, knew for what end 'twas set on foot, and that they were resolv'd to strike a Terror on People, and frighten 'em from saying any thing that might endanger that Bill.

Ans. The Quotation from Sir John Fortescue might as well have been left out; for in new Reigns there are new Laws, and old ones generally repeal'd more or less; and it's as certain we can no more say that new Customs do not daily creep in amongst us, than that we are strangers to new Fashions, which are perpetually variable: But the Power of Imprisoning is so far from being a new thing in the House of Commons, that we can scarce bear of a Session of Parliament where we don't find Persons committed for Contempt, &c. And any one that has the least knowledge of Sir Richard Levings's Crime, cannot but be satisfied that he was sent to the Tower, not for divulging words spoken by Others, but making infamous and dishonourable Reflections Himself.

That Power which began the last Year, has had a mighty growth this Session; and if it grow on at the same rate, 'tis easie to see what our Constitution will come to in a very little time. *Old Ways are the best Ways*, is a Saying that has been formerly written on the Walls of the House of Commons: I could wish that 'twere now written both there, and in the Hearts of the Members; there never was so great occasion for it; for if these Innova-

tors be suffer'd to drive on thus furiously, many who adhere to their Faction without seeing their Designs, will make themselves Parties in bringing insensibly a Calamity on this Land, which they will not be able to remedy by any after-Efforts. A very little Reflection will shew us how this may be. Should there be any Design to alter our Constitution, or present Settlement, one ready way is to carry things high in the House of Commons, and to make the *Orders* and *Resolutions* there as grievous to the People as possible, that they being enrag'd at their Domination and rigorous Proceedings, may be the better inclin'd to run into another Extreme. We know what alteration they by their Acts of Power have already made in the Opinions and Affections of People; and the danger which some fear is, that, if they go much farther, they will give too many a Surfeit, and make them nauseate the Commons, who ought to be, what they reckon themselves, *Trustees* and *Guardians* of the Liberties of *England*. It may therefore well become good Men, who love the Happiness, Tranquility, and Liberty of their Country, to reflect seriously, and consider with themselves whether this may not be the design of some who now pretend to be mighty Sticklers and Advocates for Liberty.

Ans. The Power of Imprisoning had its rise long before the last Year, and our Constitution is rather preserv'd than endamag'd by it, since the People themselves are Masters of that Authority which is invested in their Representatives; and our Author, that was a Dabber at Logick just now, might make use of a receiv'd Maxim in their favour. who has not long since brought in one as an Evidence against 'em. If it had so late a beginning, whence could proceed the Commitments in several late Reigns (not to go any higher) which never were look'd upon as Arbitrary, but are justified even in these days? And if the present Parliament makes no

of Old Ways (*which he says are the Best Ways*) in following Old Customs, &c. they do but what their Predecessors have done, and cannot be condemned, unless former Parliaments, and among them his beloved Fanatical Parliament, that chang'd Old Ways into the Good Old Cause, fall under the same Censure.

There is another good Reason why Men should be jealous of, and make it their business to check this rampant growing Power of the Lower House. 'Tis the general Voice of the People throughout this Kingdom, as we are inform'd from all the Corners of it, that Gold has carried on a great Negotiation among us. Some are of Opinion, and I must own not without a great deal of Reason, that the continual Clamours which have been artificially, but upon too weak grounds raised, and the outrageous and unreasonable Proceedings which we have seen, are great Confirmations of the truth of what has been reported.

Ans^r. If Gold has turn'd Solicitor of late, and been Advocate for the French King's Cause, there are other People without doubt than those he hints at, that have been the General Receivers. To bribe a Community of Men, a whole Body-Politick, carries abundance of Difficulty with it, and is next to an Impossibility: but Experience tells us, from the Practice of several Corrupt Ministers, and those in this present Age, that Money can stick to some particular Courtiers Fingers, or Three hundred Pound a Year could never multiply it self into more than so many Thousands.

This is most certain, That where corrupt Orators (to speak in the Language of a very experienc'd Doctor) bring their Subtilty and Eloquence to Market, they must follow the Instructions of him whose Pay they receive; they must set afoot Factions and Brigues, bring all the Confusion they can into their Native Country, pull down the Fence of the
Laws,

Laws, destroy the Credit and Interest of those who are ablest and most inclined to oppose his Designs, and, in short, do whatever he requires of them. If among us there be any such corrupt Members, 'tis plain that to make themselves the more considerable, and raise the Price of their Voices, they must think it their business to study **Ways and Means** to afflict their Fellow-Subjects, to embarrass Affairs, and bring Confusion and Disorder into the State.

Ans^r. Dr. Davenant's Experience *in relation to Corrupt Orators, proceeds from his detection of Corruption in Others, not a knowledge of it in Himself: And if we consider in whose Favour the late Treaty of Partition was made, we may judge the Advisers were in some other Prince's Pay besides their Master's, not those that impeach'd 'em for it, and would have brought 'em to Justice, had the Divisions between the two Houses, raised on purpose to obstruct it, permitted it.*

One ready way therefore to defeat the Designs of such Men, will be to keep them from running into any Excesses of Lawless and Arbitrary Power, and tie them to the same Rules that direct the Actions of their wise and just Predecessors. As keeping things in this temperament, and adhering to our Constitution, will be a means to defeat the measures of a foreign Tyrant; so will it (in some Mens opinion) put an end to the Fears and Calamities of a Tyrannick Slavery brought upon us by Fellow-Subjects at home. Tyrannick Slavery did I say? Some may call it so, when in a Free State, where the whole Legislative only has a Power to set down what Punishment shall be inflicted on the several Transgressions that are committed, a Part of it assumes a Power to inflict one of the severest Punishments: When a few who are chosen to be Trustees and Guardians of the Peoples Liberties, bring the People under their absolute

lute Power, and compell them to that which is against the Right of their Freedom. To be free from such Force is the only Security Men have of their Preservation, and Reason bids them to look on those as Enemies to their Preservation, who would take away that Freedom which is the Fence to it; and so conclude that they have a Will and Design to take away every thing else, since that Freedom is the Foundation of all the rest.

Answer,

The way to defeat the progress of Arbitrary Power, is certainly to restrain it, but how those Members who have effectually suppress'd it in others, have stood up so Zealously for the Liberties of the People, and have been such hearty sticklers for the Rights of the Commons of England, against the presumptive Encroachments of the Lords, can be said to take the same impetuous Measures, it is not in my Power to divine. Neither is it my purpose, to dispute the Wisdom and Justice of their Predecessors, tho' it is my Business to vindicate the Proceedings of those that are now in Authority, yet if Supplies to the King without any Burthen to the Subject, are a ready concurrence to Assist his Confederates, without coming into an open Rupture with those that were his their Enemies; and the sincerest Endeavours for the continuance of the Publick Peace, while they are making provision for our Defence, be not as much as has been done in any Parliament; nay, farther, in any Age whatsoever, and preferable to any antecedent Resolutions, then Patriots that come after these worthy Gentlemen, and succeed 'em in their care for the security of the Nations, must despair of doing any thing that can be praise worthy since, if these are accounted the Nations Enemies, it is not in the Power of Humanity to be its Friend.

From what I have here delivered concerning the Power of imprisoning in the Lower House, 'tis evident, I think, that if Petitioning, as the Kentish Gentlemen did, had been an illegal Act, and
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the Punishment enjoin'd by the Law had been Imprisonment, yet it belong'd not to them to inflict that Punishment, but to make application (as they have always done heretofore) to have the Law executed against them. But if what they did was strictly agreeable to Law, this will make their Commitment a greater Violation of the Rights of the Community. That it was so, will appear, when we consider.

Answer,

He has hitherto been deliver'd like the Mountain in the Fable, nothing but insignificancies and Productions of ridiculous Consequences, and affirms he has made out the matter he took in Hand to a Tittle; when the Reader has reason to have other Sentiments, and entertain Notions of another Proportion than what he lays down for undoubted Truths. Those that can Command others to prosecute as Attorney Generals, &c. have an indisputable Title to Imprison, since Prosecution is precedent to Punishment, and consequently is of more moment than Imprisonment, which only a bare Confinement of the Person without affecting his Life, or Estate, which are in Danger from it, and the Old Maxim holds good, that omne Majus continet in se Minus.

The Second thing propos'd, *the Subject's Right of Petitioning.* This Right I take to be as large and ample a one, and what will as little bear controverting, as any thing that we can think of, since 'tis justified by the Law of Nature, the Practice of all States in the World, and is allowed by the Laws of this Land.

'Tis certain that nothing can be more agreeable to Nature, and a plainer Dictate of Reason, than that those who apprehend themselves aggriev'd be allow'd a liberty to approach those by Petition who know their Grievances, or perhaps are the Authors of them, and consequently able to redress them. When Men enter'd first into Society, and
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gave up that Right which they had to secure themselves in the State of Nature; 'tis manifest that they did it for the preservation of Property, which is the end of Government. This necessarily supposes, and indeed requires, that People should have Property; without which they must be supposed to lose that by entering into Society, which was the end for which they enter'd into it. If Men enter'd into Society to preserve it, and therefore are so entitled to it, that (as a very Learned and Ingenious Author tells us) *The supreme Power cannot take from any Man any part of his Property without his own consent*; Can any Absurdity be so gross, as to imagin, that Men gave up their Right to pray for Redress, if they thought themselves injur'd in their Properties? Or that the supreme Power may hinder them to pray for that which they have not a right to deprive them of? Wherever therefore any Government is established thro' the natural Right which People had to secure what was their own, must be so far at least continued, as to allow them a liberty to Petition for what they think their Right, because this is a Privilege which they could not give up, when they enter'd into Society. And where there has been no government but the Prince's Will, even there this Right has seem'd so natural and agreeable to Reason, that it has not been denied. This might be seen in all the Arbitrary Governments of the World. In the Roman Empire *Julius Cesar*, when he was in the height of his Power, and made himself *Perpetual Dictator*, permitted the People to represent the Hardships that were put upon them, and pray for redress. And in the Reign of other Princes who exercis'd a Despotick Power, whilst the *Lex Regia* prevail'd *rescribere Principi*, to petition the Prince, and set forth their Grievances, was allowed their Subjects as the natural Right of Mankind.

Answ. No Man living contravenes the Subjects right
 of Petitioning, but that is not the Case in hand, it's
 the Writers business to prove that Libelling is Law-
 ful. The most virulent Piece of Treason imaginable
 may go under the Name of a Petition, and be gloss'd
 over with a Specious fair Title, when the contents
 of it are embitter'd against the Authority, and
 aim at the very Foundation of the Royal Supremacy.
 In Charles the Martyr's time Faction stalk'd abroad
 under the Covers of Remonstrances, and Petitions to
 Kings were as full of Blasphemies, as those which
 were sent up from the Pulpits to the divine Majesty;
 the Removal of evil Counsellors was the pretence they
 made use of when the downfall of Monarchy was what
 was really intended; as what the Kentish Gentlemen
 designed by finding fault with the proceedings of Par-
 liament and making use of the Voice of the Peo-
 ple, to put down St. Stephens Chappel over their
 Representatives Head, looks very much like Some-
 thing of the same complexion. As for Julius Cae-
 sar in his Perpetual Dictatorship, he permitted the
 People to bear Accuse to him on Account of real
 Offences, but when one Popilius whisper'd unso-
 phistic Advice in his Ear, he ordered him imme-
 diately to be punish'd by the Lictors, as an interfe-
 ring Coxcomb, and one who concern'd himself with
 business above his Sphere. Marcus Antonius like-
 wise cou'd Cicero to be Assassinated, and put to
 Death, tho' he had been Consul of Rome, which is
 a Post of Honour something above a Kentish Justice
 of the Peace, because he did sparge votes in Vul-
 gar, insinuate to the People, that Anthony's Pro-
 ceedings were Irregular, that is to say, to subvert the
 Constitution of the Roman Republick &c.

If this Right be natural, the People of England,
 who have lost as little by entering into Society as
 any others, must have as just and ample a Claim
 to it as any Nation in the World. That they have

a Right to represent their Sufferings, and pray for a Relaxation of them, is evident from the Opinions of our Sages of the Law, from what our Kings have permitted and declared, and what has been declared and enacted in Parliament.

Our Books are very clear in this matter. My Lord Chief Justice Hobbes tells us, That 'tis lawful for any Subject to petition the King for redress in an humble manner; for (says he) Access to the Sovereign ought not be shut up in case of the Subject's distress. This Right was fully prov'd by the Learned Council at the Trial of the seven Bishops, and allow'd by the Judges. It was one of the Crimes for which the Spencers were banished, that they hinder'd the King from receiving and answering Petitions from Great Men and others; and one Article against the Lord Strafford was, That he issued out a Proclamation and Warrant of restraint to inhibit the Kings Subjects to come to the Fountain of their Sovereign, to deliver their Complaints of Wrongs and Oppressions.

And the Right of Petitioning for Assistance in Cases of imminent Danger, is not only agreeable to the Law of Nature, but directly commanded by the great Law of Self-preservation: But to disperse Fears and Zealousness when there is no occasion, to call out for Help, like the Shepherd's Boy in the Fable, when there are no Wolves at hand, is to divert our Protectors from assisting us when there are imminent Dangers that actually threaten us. In the BISHOPS Case, these Right Reverend Fathers of the Church stood accus'd on account of their indispensable Duty; They petition'd the King as the Directors of his Conscience, and his spiritual Advisers, in relation to His Majesty's Declaration, but did not interfere with his Prerogative, as the Wise Men of Kent did with that of their Representatives; and it is but too visible what side their Advocate inclines to, when he produces an Article that was brought against the Lord Strafford,

who was guiltless of the Offences laid to his Charge, tho' he was murder'd for 'em, to justify the Right of Libelling Governments, and bantering the Proceedings of Parliaments.

As the Sages of the Law have told us, That 'tis our undoubted Right, so have our Kings in all Ages permitted us by Petition to inform them of our Grievances. In the Reigns of King Edw. II. and King Edw. III. such Petitions were frequent, and then even Ireland was allow'd to represent their Grievances, and petition for a Parliament.

Doctor Burnet, the Learned Bishop of Salisbury, informs us, That King Henry VIII. told his Subjects, when in Arms against him in York shire, that they ought not to have rebel'd, but to have applyed themselves to him by Petition.

King James I. by a Proclamation publish'd the 11th Year of his Reign, begins thus: The Complaints lately exhibited to Us by certain Noblemen and others of Our Kingdom of Ireland, suggesting Disorders and Abuses, as well in the Proceedings of the late-begun Parliament, as in the Martial and Civil Government of the Kingdom, We did receive with all extraordinary Grace and Favour. And by another Proclamation he declares, That 'twas the Right of his Subjects to make their immediate Addresses to him by Petition. And in another he tells his People, That his own, and the Ears of his Privy Council, did still continue open to the just Complaints of his People. And that they were not confin'd to Times and Meetings in Parliament, nor restrain'd to particular Grievances.

It appears by the Lords Journals in the Year 1640: that the House of Lords both Spiritual and Temporal, Nemine Contradicente, voted Thanks to those Lords who petitioned the King at York to call a Parliament: And that King by his Declaration 1644. declared his Royal Will and Pleasure,

sure, That all his loving Subjects, who have any just Cause to present, or complain of any Grievances or Oppressions, may freely address themselves by their humble Petition to his most Sacred Majesty, who will graciously hear their Complaints.

On *Wednesday* the 27th of October, 1680. it was resolv'd in the House of Commons, *Nemine Contradicente*, That it is, and *E V E R* hath been, the undoubted Right of the Subjects of England to petition the King for the calling and sitting of Parliaments, and redressing of Grievances. 'Twas then likewise resolv'd, *Nemine Contradicente*, That to traduce such Petitioning as a violation of Duty, and to represent it to his Majesty as tumultuous and seditious, is to betray the Liberty of the Subject, and contribute to the Design of subverting the ancient legal Constitution of this Kingdom, and introducing Arbitrary Power. On the Friday following (as we find in the same Journal) it appearing to the House, upon the examination of several Witnesses at the Bar thereof, upon the Evidence against Sir Francis *Wintham*, as well as upon his own Confession, that he had presented an Address to his Majesty expressing an Abhorrency to petition his Majesty for the calling and sitting of Parliaments; 'twas resolv'd, That Sir Francis *Wintham*, by promoting and presenting to his Majesty an Address expressing his said Abhorrency, hath betrayed the undoubted Rights of the Subjects of England. 'Twas moreover order'd, that he should be expell'd the House, and that he should receive his Sentence upon his knees.

Ans^r. I have too great a deference for the Sages of the Law, not to agree with them that 'tis part of the Privileges that a Subject enjoys, to petition his Prince: but must take the freedom of thinking that in Edward the 2d, and 3d's days they had not the liberty of so frequently making Addresses to the Throne, had there been any Colepeppers or Pollhills, &c. to take the business

ness of Privy-Councillors upon 'em, without a Privy-Councillor's Understanding. And tho' what the Bishop of Salisbury writes may carry an Authority with it in relation to King Henry the 8th's Speech to his Subjects, that Prelate can remember a Person he is very well acquainted with, did not take the Advice, but oppos'd in open Arms against his Sovereign. King James the 1st's two Proclamations have likewise no more in 'em to make for his purpose, than what has preceded, since they were grounded upon just Complaints, which are conclusions of the Kentish Petitioners, who had no Grounds or Reasons for their Arrogance; and the Quotation from the Lords Journals, if we consider the Times the Resolution was made in, (viz.) the very Infancy of Rebellion, and beginning of the Civil War which was then in projection. The Resolutions of the Year 1680. are much of the same stamp, if we consider from what hands they came; and those Members that could justify the Treasons and Seditious Speeches of Stephen Colledge, are not to be supposed to be Enemies to Remonstrances against the Proceedings of Supreme Authority, when their very Being tends to Confusion and Anarchy.

This Right of the Subject to petition, is farther confirm'd by the Statute Law of this Land, particularly in an Act made in the 12th year of King Charles II. the Enacting part of which I will here at large set down, because 'tis a plain Declaration of the Subjects Right in the Case of the Petition now under our Consideration.

'Be it Enacted, &c. That no person or persons
' whatsoever shall from and after the first of August,
' 1661. solicit, labour, or procure the getting of
' Hands, or other Consent, of any Persons above
' the number of Twenty or more, to any Petition,
' Complaint, Remonstrance, Declaration, or other
' Address to the King, or both or either Houses of
' Parliament, FOR ALTERATION OF MATTERS
' ESTA-

ESTABLISHED BY LAW IN CHURCH OR STATE, unless the Matter thereof have first been consented to, and order'd by three or more Justices of the County, or by the major part of the Grand-Jury of the County or Division of the County where the same shall arise, at their publick Assizes, or General Quarter Sessions; or if arising in London, by the Lord Mayor, Aldermen, or Commoners in Common-Council assembled; and that no Person or Persons whatsoever shall repair to his Majesty, or both or either House of Parliament, upon pretence of presenting or delivering any Petition, Complaint, Remonstrance, or Declaration, or other Address, accompanied with excessive Numbers of People, not at any one time above the number of ten Persons upon pain of incurring a Penalty not exceeding the Sum of one hundred Pounds in Money, and three Months Imprisonment.

Provided always, That this Act, or any thing therein contain'd, shall not be construed to extend to debar or hinder any Person or Persons, not exceeding the number of Ten shew'd, to present **ANY PUBLICK OR PRIVATE GRIEVANCE OR COMPLAINT TO ANY MEMBER OR MEMBERS OF PARLIAMENT**, after his Election, and during the Continuance of the Parliament, or to the King's Majesty, for any Remedy to be thereunto had. —

Answer. The Act in the 1st Year of King Charles the 2^d was expressly design'd against tumultuous Petitioning, as may be seen from the Preamble, which lets us into the Intentions of it; and because it was not to be suppos'd that Justices of Peace would set their hands to every ridiculous Whimsy some Malecontents might entertain in relation to Governments, was worded after that manner. But the County of Kent has furnish'd us with Examples to the contrary, and made appear that there are more than twenty Justices that

are Fools enough in it to subscribe what is against its Profit, and are ready to run mad for a new War, when the Charges of the last have been enough to make 'em sober.

Concerning this Statute we may observe Four things: First, That it allows (as Mr. Serjeant Levins observ'd in the Trial of the seven Bishops, and we are taught by several other good Authorities) that by the Law of the Land before, it was the settl'd and undoubted Right of the Subjects of England to apply themselves to the King, or either or both Houses of Parliament, by Petition, to have their Grievances redress'd. Secondly, That where it limits this Power of the Subject, and requires that the Petition shall be consented to and order'd by three or more Justices of the County, or by the major part of the Grand Jury of the County, or Division of the County where the same Matter shall arise, or by the Lord Mayor, Aldermen, or Commons in Common Council assembled, if it arise in London: tis only in a particular Case, where the Address is for Alteration of Matters establish'd by Law in Church or State. Thirdly, That even in this Case the Concurrence of those Persons is not requir'd, unless it be where there are more than Twenty Hands to the Petition. Fourthly, That the Act extends not to Grievances or Complaints either Publick or Private, but that they may be presented to the King or Parliament, without any of those previous Formalities, provided that the Petition or Address be not presented by more than Ten.

Ans. Mr. Serjeant Levins his Observations at the Trial of the Seven Bishops are taken notice of very mal a propos in reference to the Five Kentish-men, because their Case is as different from each other, as a Libel to create Tumults, is from an Address to beseech

His

His Majesty not to impose upon one's Conscience ; and tho' the Petition (as they call it) was lawful in the Manner or Form of presenting it, being not brought up by more than Ten, yet it was Illegal in the Design, as well as exceptionable from some words which were reflective on the Honour of Parliaments in it.

Having mention'd this Act, which (tho' made to limit and restrain the Subject, and curtail his natural Right of petition) is a full Declaration of the Peoples Right to apply themselves to the King or Parliament *by Petition, for the Redress of their Grievances, and for obtaining such things as they apprehend necessary or beneficial to the Safety or Well-being of the Nation.* I need not urge any other Authorities, nor take notice even of that Act pass'd since the Revolution, wherein the Rights of the People are contain'd, and that of Petitioning is declar'd to be one. 'Tis evident to any Reader of the most ordinary Capacity, that the *Kentish* Petition is warranted by the Law of the Land, and so plainly within the Letter of that Act, that those Men are forc'd to acknowledge it, who take a great deal of pains to justify all the Proceedings of the House of Commons. Was it not then (to use the Words of *Legion*) *illegal, and a notorious Breach of the Liberty of the Subject, and setting up a Dispensing Power in the House of Commons, to imprison Men who were not their Members, by no Proceedings but a Vote of the House, and to continue them in Custody SINE DIE?* A late Pamphleteer, by way of Answer to this, tells us, *That to say this is done by a single Vote without other Proceedings, is meer Babling and Nonsense ; for Imprisonment is the first step in order to future Proceedings, and practis'd by every single Magistrate.* What does this Scribler mean? Were not those Petitioners imprisoned by a Vote of the House, without any other Proceedings? Was there any Indictment, or legal

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Process to try whether they were guilty of any
Trespass against the Law? For what reason does
he tell us, that *Imprisonment is the first step in order
to future Punishment*? Would he thereby insinuate
that their Crime was such as might be further
punish'd by Law? Their Judges in St. Stephen's
Chappel knew very well that it could not. If it
could, why were they not proceeded against?
Why were they kept in Prison till the end of the
Session? If they could not, why should they be
imprison'd at all. Since it could be in order to no
future Proceedings? But he tells us, That *this is
practic'd by every Magistrate*. 'Tis true, they im-
prison, but 'tis to keep the Peace, and in order to
future Punishment; and what they do, is allowed
and warranted by the Law of the Land. From
what I have already said in this Discourse, 'twill
appear how absurd it would be to make this an
Argument for the Commons having such a Power
as they have us'd in imprisoning those Gentlemen.
The Reader will from hence judge whether *Le-
gion* or this Author is most guilty of *Babbling and
Nonsense*. The Design of this Pamphleteer is to
throw all the Dirt he can on the late Ministry, to
bring them under the Odium of the Nation, (a
Work which the *Jacobites*, the *French Party*, and
Papists of *England* are now, and have been a great
while very intent upon) and to recommend the
Proceedings of the House of Commons, and the
present Ministry to the People. These are the
Persons pointed at in the Title of his Book, which
he calls, *England's Enemies Expos'd, and its true
Friends and Patriots Defended*. If he shew no bet-
ter Judgment in discovering who deserve to be
called the *Enemies*, who the *Friends* of *England*,
than in laying the Charge of *Babbling and Non-
sense*, he will do as little Service to *England* in
helping her to make any useful Discovery of her
real Friends and Enemies, as he has done to his
Friends

Friends by his poor, his paltry, and palpable Flatteries. The Prince of Darkness, when he goes up and down to do Mischief, and destroy the Kingdoms of the Earth, as he turns himself into an Angel of Light, so has he Enemies, *qui nigra in candida vertunt*, little Hirelings, whose Task it is to call Evil Good, and Good Evil; to deceive with false Colours, that he may be the better able to destroy. To give People a little taste of this Panegyric's Impositions, and the Judgment he has made of Men, I will only take notice here that he commends the Fair Character of Mr. J--n H--w, and calls him (who most certainly call'd the Treaty made by the King a Felonious Conspiracy) A Zealous Patriot, and one who will not exceed his Duty; that he represents the Speaker as a Person deserving the Honourable Character of an honest English Gentleman, a Champion for Liberty, and a true Patriot, without Disguise, Collusion, or Self-Interest; that they whose long Experience in Publick Affairs gave them knowledge of the Methods employ'd by France in former Reigns, to enslave Europe, are best able to prevent his Designs in this; that tearing up our Constitution by the Roots is the Work of the late Ministry; that they have betray'd the King, and carry on Purposes destructive to the Nation; that if we have a Porto-Carero in the Nation, 'tis He who has done his utmost to deliver us up to France, by investing the Most Christian King with a Power to seize us; that 'tis He (meaning L--d Hall-ax) to whom French Gold is given. Strange Effrontery! Had Sir Bar----- or Sb--er spoken this, I should not wonder at it; he, we know, when the Lords were voted Guilty of High Crimes and Misdemeanours for the Treaty of Partition, and an Impeachment was ordered, did not blush to say openly in the House, That the News of it would be very unwelcome at Versailles.

Answ. As for his Reflections on the Pamphleteer that answer'd The present Disposition of England consider'd, &c. they are foreign to the purpose, and would almost persuade one that it came from the same Hand. Had not I some knowledge of the Author, who is so far from being a Jacobite, Papist, or of the French Party, that he is hated by 'em, as a Person that has been all along employed by the Creatures of this Government, to make Discoveries of their Proceedings, and prevent their Designs. To my knowledge his Pamphlet owes its birth to his Circumstances; and had the Court made better Provision for him, he would scarce have fallen out with the Courtier, and the Lord Hallifax would have had as good a Character from him, as Mr. How and the Speaker, had but his Pension continu'd to come trowling in from the Treasury, and he not found himself under a necessity of taking other Measures. The Author of Legion and He probably might come from the same place of Instruction, since their Language is equally foul and ungentleman-like: But for the Reflection on Sir Bartholomew Shower, by such a mean Comparison, the Author of this very Pamphlet shews that he knows how to join in Consort with the two Scribes before-mention'd, who blended together would make an admirable sort of a Triumvirate.

But to return from this Digression to the matter in hand. Those who cannot deny that the Subject has a Right to Petition, yet justify the Proceedings against those who deliver'd the Petition, because of its reproaching the honourable House, and prescribing Rules to our Legislators. The Resolution of the House of Commons concerning it was, that *'twas scandalous, insolent, and seditious, tending to destroy the Constitution of Parliament, and to subvert the Established Government of this Realm.* Before I come to a particular Examination

nation of this Resolution, I must crave leave to make this Remark upon it, That this very Censure, and the severe Treatment of the Petitioners, shew us plainly into what hands we are fallen. We remember very well when it was, that Sir Edward Seymour, then a Privy Councillor, and some others now in Power, learned the Trick of giving hard Names to Petitions. What I here hint at, I will endeavour to represent in the shortest View I can, because the matter will be pertinent to the Subject I am treating of, and will give true *Englishmen* an opportunity of making some Reflections which will be useful to us, in the present Circumstances of our Affairs. We cannot forget what great Concern the Commons of England above Twenty Years since shewed for the Protestant Religion; that their Zeal to preserve it was seen in Four Parliaments, which were dissolv'd in a little more than the space of Two Years, by reason of their Warmth in prosecuting Popish Conspirators, and Labouring to exclude the Duke of York, whose Succession to the Crown rais'd the hopes of Papists, and gave birth to all their Plots.

Answer.

A Digression indeed! and which I am glad to see him own, after having spent his Venom to no purpose. The Resolution of the House of Commons was Honourable, and it shews plainly that we are fallen into such Hands as we may rely upon for Defence, without the Assistance of such Intermeddlers. Sir Edward Seymour keeps up to his Old Loyal Principles; and tho' he does not officiate as Privy-Councillor to His present Majesty, is zealous for the Good of the Nation as a Senator, and continues firm to his Old Principles of having an Abhorrence for Mutinous Assemblies, and Designs against the Government, which such restless Malecontents as our Author (who so zealously

lously stands up in Vindication of Injustice in the Bill of Exclusion against His late Majesty when Duke of York, and Presumptive Heir of the Crown) are perpetually contriving.

The first was the long Parliament, which consisted of Members so devoted to the Crown, that they would have gratified it in any Demand whatsoever, had not the Measures taken to destroy Holland, the great Friendship contracted with France by Mediation of the Duke of York, and the Growth of Popery sour'd their Tempers, and given their Inclinations quite another Bias. After their Prorogation on the 28th of December, 1678. which was soon followed by a Dissolution, the next Parliament which began at Westminster on the 6th of March, 1679. pursu'd the same Measures to secure the Religion and Laws of England, and were for that reason prorogu'd on the 26th of May following.

The People of England alarm'd at this, and growing into greater Fears of the Conspiracy which the Parliament endeavour'd to prevent, sent Petitions to the King from several Places, wherein they represented the Grievances of the Nation, and pray'd for the sitting of the Parliament to redress them. I shall take notice of the Stile of one for all, viz. That of the City of London, wherein they set forth that there is a most damnable and helish Popish PLOT, BRANCH'D FORTH INTO THE MOST HORRID VILLANIES, against his Majesty's most Sacred Person, the Protestant Religion, and the well establish'd Government of his Realm, for which several of the principal Conspirators stand impeach'd by Parliament. Therefore in such a time when his Majesty's Royal Person, as also the Protestant Religion, and the Government of the Nation are in most eminent Danger, they most humbly and earnestly pray that the Parliament

ment which is prorogu'd until the 26th Day of January may then sit, to try the Offenders, and to redress all the most important Grievances, no otherwise to be redress'd. This Petition, which was a Roll of above 100 Yards in length, was presented by Sir Gilbert Gerrard, and eight other Gentlemen of good note. They all fail'd of the desir'd effect, for the Parliament was dissolv'd, and none other fate till October following.

Answer.

How could the Members of the Long Parliament be said to be devoted to the Crown, when they were for altering the Succession, and striking at the very Foundation of Monarchy it self, under the specious pretence of Securing the Protestant Religion? As for the City of London's Petition, those who remember their Practices at that time, can account for the Effects of it; and those who have any knowledge of their Proceedings even at this time, and how they had like to have been guilty of the same Premature with the Kentish men, but for one single Common-Council-Man's Vote, cannot but be satisfied they are as ripe for Mutiny, as they were for Rebellion at Edgehill-Fight.

The Men now in Power have not, it seems, forgotten how they resented those Petitioners at that time. Their Measures then are the very Precedents they copy after now. Tho' 'twas then the Subject's Right to petition, as I have shewn it is now; tho' the Petitioners took care to keep within the Bounds of the Law, yet a Proclamation issued out on the 12th of December, 1679. to prohibit such illegal and tumultuous Petitioning, as tending to Sedition and Rebellion. Besides, care was taken to prevail upon their Friends to procure Counter-Addresses, wherein the Subscribers express their Abhorrence of Petitioning.

Answer.

Answer.

The Men then in Power preserv'd King Charles the Second's Prerogative, by opposing such unjustifiable Proceedings, and those in Authority now are ready to do the same by King William's: and if they take the same Measures, they do but follow a good Copy, which render'd their Predecessors Fame of a Loyal Saviour, and will deduce their own to Posterity, without any other Assistance than its own Merit for its Conveyance.

These Measures that were taken to run down this Right of the Subject, and to subvert the Constitution of Parliament, together with the Displeasure conceiv'd against some Men of great Polls in the Law, and Figure in the Civil State, for acting Illegally, and giving pernicious Counsel (as the Commons were pleas'd to term it) to his Majesty, occasion'd very warm Votes and Resolutions in the next Parliament, which, after many Prorogations, sat on the 21st of October. 1680. and continued sitting to the 10th day of January following.

Within six days after their Meeting. (*viz.* October the 27th.) immediately after they had agreed upon an Address to his Majesty, wherein they express'd their Resolution to pursue with a strict and impartial Enquiry the execrable Popish Plot, they proceeded to Votes about Petitions. Then, as I observ'd before, 'twas

“ Resolv'd, *Nemine Contradicente*, That it is,
 “ and ever hath been, the undoubted Right of
 “ the Subjects of England, to petition the King
 “ for the calling and sitting of Parliaments, and
 “ redressing Grievances.

“ Resolv'd.

“ Resolv’d, That to traduce such Petitioning as
 “ a Violation of Duty, and to represent it to his
 “ Majesty as Tumultuous and Seditious, is to be-
 “ tray the Liberty of the Subject, and contributes
 “ to the Design of subverting the ancient legal
 “ Constitutions of this Kingdom, and introducing
 “ **ARBITRARY POWER.**

“ Order’d, That a Committee be appointed to en-
 “ quire of all such Persons as have offended against
 “ these Rights of the Subjects.

The next day (*October the 28th*) Sir Francis
Wyndham, as I have observ’d before, being found
 Guilty in this particular, they voted him a *Stranger of the Undoubted Rights of the Subjects of Eng-*
 land, and order’d him to be expell’d the House.
 The City of London, having petition’d the House
 against Sir George Jeffereys their Recorder, and it
 being refer’d to a Committee, they pass’d this
 Vote on the 1st of November following,

“ Resolv’d, That this Committee is of opinion,
 “ That by the Evidence given to this Commit-
 “ tee, it does appear that Sir George Jeffereys, Re-
 “ corder of the City of London, by traducing and
 “ obstructing Petitioning for the sitting of this Par-
 “ liament, hath betray’d the Rights of the Subject.
 To which the House agreed, and ’twas order’d,
 “ That an humble Address be made to his Majesty
 “ to remove him out of all publick Offices.”
 They farther Order’d likewise, That the Com-
 mittee should enquire into all such persons as had
 been advising or promoting of the late Procla-
 mation, *Filed, A Proclamation against Tumultuous*
Petitioning. The Grand Juries of the Counties of
Somerset and Devon having expressed their Detesta-
 tion of such Petitioning, the House on the nine-
 teenth of November order’d that the two Foremen
 of the said Juries, and two others, should be sent
 for in Custody of the Serjeant at Arms, to answer
 for Breach of Privilege (as they call’d this Ab-

horrence of Petitioning) by them committed against the House. The next day they voted, That one Thomas Herbert Esq; should be sent for in Custody, for prosecuting John Arnold Esq; at the Council-Table, for promoting a Petition, and procuring Subscriptions. To them they added two others upon the same account, whom they call'd, *Betrayers of the Liberties of the Subject.*

Answer.

Measures were not taken to run down the Right of the Subject, but to assert that of the Prince, who was of too gracious a Nature to thirst after an Exorbitancy of Power, and of too Fatherly a Disposition, not to have a tender regard for the Welfare of his People; and an Impartial Enquiry will inform us, that the Cry of the House at that time was against every one that was in Favour of his Prince as a Betrayer of his Country, and an Enemy to that sort of Government they were desirous of introducing. So that it's no wonder that Sir George Jeffereys, for advising the Citizens, as it was his Duty, not to Petition, and Sir Francis Wythens, for his Abhorrence of Tumultuary Proceedings, fell under the high Displeasure of the House. But I cannot but take notice that the House in those Times of Reformation imprison'd (that is, order'd Mr. Herbert into Custody) one that was not a Member, which is a sufficient Precedent for what has been done of the same nature in this Parliament.

On Wednesday the fifth of January, the Commons order'd an Impeachment against Sir Francis North, Chief Justice of the Common Pleas; Sir William Scroggs, Chief Justice of the Kings Bench, Sir Thomas Jones, one of the Justices of the same Bench, and Sir Richard Weston, one of the Barons of the Exchequer. Sir Francis North's Crime was, That he (as appear'd by the Confession of
the

Attorney-General before the House on Wednesday the 4th of November) was, *Advising and assisting in drawing up and passing the Proclamations against Tumultuous Petitions.* Against Sir William Scroggs and Sir Thomas Jones there were a great many Complaints, which occasion'd many Resolutions of the House, and Votes against them. One of the great Complaints was, That when the Grand-Jury which serv'd for the Hundred of Ossulston in the County of Middlesex, attended the Kings-Bench with a Petition, which they desir'd the Court to present in their Name to his Majesty, for the sitting of that Parliament, the Chief Justice said, he would dispatch them presently; That they took it ill to have a Petition offer'd to alter the King's Mind contrary to his Proclamation; That when there were several Presentments against Papills and other Offenders, they discharg'd the Grand Jury four days before the end of the Term, which was never done before. This Act they voted *Arbitrary, Illegal, and a high Misdemeanour*, several days before this Impeachment was order'd. One of Mr. Baron Weston's great Crimes was, That, in an extraordinary kind of Charge given the Assizes before at Kingston (in the County of Surrey) he inveigh'd very much against Farel, Lutber, Calvin and Zuinglius, condemning them as Authors of the Reformation: Which was against their Princes Minds; and then adding to this purpose: Zuinglius set up his Fanaticisms, and Calvin built on that blessed Foundation: and to speak Truth, all his Disciples are season'd with such a sharpness of Spirit, that it much concerns Magistrates to keep a streight hand over them; and now they are restless, amusing us with Fears, **AND NOTHING WILL SERVE THEM BUT A PARLIAMENT.** For my part, I know no Representative of the Nation but the KING; all Power centers in Him. 'Tis true, he does intrust it

with his Ministers, but he is the sole Representative ; and which he has Wisdom enough to intrust it no more to these Men. who have given us such late Examples of their Wisdom and Faithfulness. These Words (which were witnessed by several persons, some of whom put them immediately in writing) made the Committee before whom they were prov'd come to this Resolution, " That the said Expressions in the Charge given by the said Baron Weston, were a Scandal to the Reformation, in derogation of the Rights and Privileges of Parliaments, and tending to raise Discord between his Majesty and his Subjects.

Answer.

Their Impeachment of the Judges is much of the same Complexion with their Treatment of those last mentioned ; and Petitions against Proclamations look so very like a Defiance of the Designs of 'em, that it was wholly necessary to suppress 'em, in order to keep the Publick Peace. But we have a more clear Indication of their Temper as well as Religion, from their Vote, That it was a Scandal to the Reformation for Mr. Baron Weston to call Zuinglius his Principles Fanaticisms, and to say Calvin and Luther built upon the same blessed Foundation, since they were altogether very distant from the Articles of Religion profess'd in the Church of England by Law established.

Two days after that the Commons agreed upon Impeaching these Great Men of the Law (who every one came under the publick Censure for appearing Abhorers of Petitioning for the Sitting of the Parliament) they fell into other Votes. which shew'd what it was they wanted a Parliament for. Upon a Message sent to them from his Majesty, they came to these several Resolutions following :

" Resolv'd,

“*Resolv'd*, That it is the Opinion of this House,
 “That there is no Security or Safety for the Pro-
 “testant Religion, the King's Life, or the Well-
 “constituted and Establish'd Government of this
 “Kingdom, without passing a Bill for Disabling
 “James Duke of York to inherit the Imperial
 “Crown of England and Ireland, and the Domini-
 “ons and Territories thereunto belonging: And
 “to rely upon any other Means or Remedies
 “without such a Bill, is not only insufficient, but
 “dangerous.

“*Resolv'd*, That his Majesty in his last Message
 “having assur'd this House of his Readiness to
 “concur in all other Means for the Preservation of
 “the Protestant Religion, this House doth de-
 “clare, That until a Bill be likewise pass'd for
 “Excluding the Duke of York, this House can-
 “not give any Supply to his Majesty, with-
 “out Danger to his Majesty's Person, extreme
 “Hazard of the Protestant Religion, and Unfaith-
 “fulness to those by whom this House is en-
 “trusted.

“*Resolv'd*, That all Persons who advis'd his
 “Majesty in his last Message to this House, to in-
 “sist upon an Opinion against the Bill for Exclu-
 “ding the Duke of York, have given pernicious
 “Council to his Majesty, and are **PROMO-**
 “**TERS OF POPERY, AND ENE-**
 “**MIES TO THE KING AND KING-**
 “**DOM.**

After these General Resolutions, they ran into
 severe Votes and Resolutions against George E. of
 Hal--x, H--ry Mar--qs of Wor---er, H--ry E. of
 Cla---on, Law---ce H--de Esq; Le---s E. of Fev---am.
 A Motion was also made for an Address to his
 Majesty to remove Ed--rd Sey--r Esq; from his
 Majesty's Council and Presence, but it was ad-
 journ'd to the Monday following, which was the
 day on which the Parliament was prorogu'd.
 The

The reason perhaps why they did not press this Motion, was because they had agreed upon Articles of Impeachment against him, upon other scores, just twenty days before.

Answer.

After they had, as it were, quarrell'd with their God, in the Vindication of false Doctrines, and what was dissonant to the Liturgy of these Nations, it was but natural for 'em to fall upon their Prince, and wound his Honour in the Person of his Royal Brother and Successor. The Bill of Exclusion was a thing to be agreed upon in return to His Majesty's most gracious Messages, and the celebrated Names that bear the Royal Unfortunate Company, amongst whom is the present Earl of Rochester, now Lord Lieutenant of Ireland, and his present Majesty's Uncle and Counsellor, were to be Sharers with him in his Misfortunes and the Loss of his Inheritance. On the Effrontery! (to make use of his own words) none but a Calvinist would write in behalf of such shameless Endeavours, and none but a murmuring Puritan would defend 'em.

Their warm Proceedings, and their insisting upon that particular Method to secure the Protestant Religion, occasion'd not only the Prorogation of this Parliament on the 10th of January, but of the following Parliament likewise at Oxford, which met the 21st of March, and was dismiss'd on the 28th as soon as they read the Bill of Exclusion brought in there. On the 10th of January the House of Commons knowing that they were to be prorogu'd, before the Prorogation came to several Resolutions, two of which I shall here take notice of.

1. "Resolv'd, That whosoever advis'd his Majesty to prorogue this Parliament to any other purpose than in order to the passing of a Bill for the Exclusion of James Duke of York, is a Betrayer of the King, the Protestant Religion, and of the Kingdom of England. A PROMOTER OF THE FRENCH INTEREST, AND A PENSIONER TO FRANCE.

2. "Resolv'd, That the Thanks of this House be given to the CITY OF LONDON, for their manifest Loyalty to the King, their Care, Charge, and Vigilance for the Preservation of his Majesty's Person, and of the Protestant Religion. This Care and Concern which the City of London shew'd for the Protestant Religion, in that time of imminent Danger, appear'd in many Instances, and in two particularly, which the House thought did then deserve a grateful Acknowledgement, first in petitioning the King for the Sitting of that Parliament; secondly, in voting an Address to his Majesty to declare their Loyalty, and to petition him that the Parliament might sit until Protestantism was secur'd.

Answer.

Their warm Proceedings in those days were not so much the effect of their Zeal for the Protestant Religion, as their Hatred for the Person of the Duke of York, who, if any thing could have gain'd upon their Reason, or abated their Displeasure, was at that time accounted one of the fairest Princes in Europe, (notwithstanding his late Degeneracy) and his good things for the Publick Service, which had the Acknowledgements of all Christian Princes, and would have work'd upon any bodies Temper, but the minds of some men that were prejudic'd and embitter'd against him: And the two Resolutions, One of Censure, by which we may see they were of the same Stamp with some that would govern in the House now, from their being said to

P R O.

PROMOTE THE FRENCH INTEREST, as PENSIONERS TO FRANCE, while they were serving their Country; and the Order of Thanks, by way of acknowledgment to the City of London, for their great Loyalty to the King, while they were excluding his only Brother from his Right of Inheritance, and the care they had for the Security of Protestantism, at the same time as Defamatory Pictures and Libels were handed about to traduce the Hierarchy, and depreciate the Esteem which was had for the Sacred Order of Bishops. Thanks be to God, the Tide is turn'd once more in our days, and honest Men have the satisfaction of seeing a Majority in the Court of Aldermen that are true Sons to the Church of England, and the Liberator in all probability will in due time be so fortified, that it may be said of our London Episcopal Churches, The Gates of Hell shall not prevail against 'em.

Having given this Account of the Proceedings both of the Courtiers and House of Commons, the one to run down, the other to assert the Subjects Right of Petitioning in those days: I must crave leave to take notice of what passed afterwards, because 'twill be of use to us in the matter I am now treating of.

After the Dissolution of the Oxford Parliament, the King publish'd a Declaration, wherein he vouchsaf'd to declare the Causes and Reasons of his Actions to his People. It might very well be imagin'd, that after the People had so universally petition'd for a Sitting of the last Parliament at Westminster, to secure their Religion and Liberties, which the Conspirators were now attacking with the utmost vigor, they were more than a little alarm'd to see that and the succeeding Parliament at Oxford so soon dissolv'd, and that deny'd them which they thought the only Security for their Religion. He begins therefore with telling them, That

That 'twas with exceeding great trouble that he was brought to dissolve the two last Parliaments. 'Twere well that those who in their Votes concerning the *Kentish* Petition, shew'd that they have not forgotten the Spirit of the Courtiers at that time, as to their Abhorrence of Petitioning, had remember'd their other Resentments, express'd in this Declaration, as the Reasons for Dissolving that Parliament.

Answer.

His Majesty, as a *Wise and Indulgent Prince*, that had a *Fatherly Concern* for his People, and a *Tenderness of Nature* that was deriv'd from that *August Family* which he ow'd his Being to, was loth that his Subjects should interpret his Actions otherwise than they were design'd, and put an evil Construction on what was intended to promote the *Publick Tranquillity*: He therefore issued out his Reasons by way of Proclamation, and the indispensable Necessity he lay under of Dissolving that Parliament, that so despatchfully used the *Royal Authority*, and set at nought the *Desires and Requests of God's Anointed*; and what was urged in behalf of his Proceedings, carry'd such convincing Proofs with it, at the time of its being made Publick, that it settled the Minds of those that were wavering in their Duties, and was attended with such good Effects, that Addresses came to his sacred hands instead of insolent Petitions, and the most thinking part of the *World* was satisfied from his Majesty's Actions that he postpon'd his own Profit to their Advantage and Ease.

One Complaint is, That the *Commons* made arbitrary illegal Orders, for taking Persons into Custody for matters that had no relation to Privilege of Parliament. Was it at that time arbitrary and illegal to take those degenerate Wretches into Custody, who publish'd under their Hands Abhorrences of Parliaments, and of those who in humble and lawful Manner petitioned for their Sitting in a time of such extream Necessity; and is it not now so to imprison and confine Men for doing their Duty to their King and Country, no otherwise than the Law prescribes? Is it a greater Breach of Privilege to shew a Letter written by Sir Ed--rd Se---r, than, in compliance with a strange arbitrary illegal Proclamation, to run down the Subject's Right of Petitioning; and thus, in effect, to strike at Parliaments themselves, and endeavour to wound the Constitution? What would Mr. Bo--n have said to this? Surely he must have blush'd to see his old Friends, whose Interest he then serv'd, in running down the *Commons* Power of imprisoning, exercise such Acts of Power as were never heard of in *England* before. Tom Sheridan, who labour'd in the same Cause, and wrote against that Power of the *Commons*, which he felt in his own Person, with as much Warmth as 'twas possible for Bo--n to do, did he see these things, wou'd be able perhaps, to behold them with little astonishment. He knew the Frailty of Human Nature, and carried much of it about in his own Body; for after he had taken a great deal of Pains (as also the Royal Scribes of those times, and his Religion did) in decrying *Janaticism* and *Republican* Principles, in crying up *Episcopacy* and the Church of *England*, and rescuing the Minds of Men from those groundless Fears of *Popery*, which were running them into Measures pernicious to the Duke his Master's

Master's Interest; he saw, poor Man, Popery rampant, and a Popish King in *England*; he saw the Bishops, and (which he could not but wonder at) was glad to see them, in the Tower; and, which must be the greatest wonder of all to such a zealous Churchman as he was, he saw himself a Papist. It wou'd therefore be now the less surprising to him, to see his old loyal Friends turn'd downright Republicans, and as violent in the House of Commons for illegal and arbitrary imprisoning, as they were against that, and all other Power in the Commons.

Answer.

The Complaint had all manner of Justice in its side, since it was certainly a diminution of the Regal Authority, and destructive of the King's Prerogative, to imprison those faithful and affectionate Subjects, that had made a tender to him of their Allegiance and Services; and the Declaration could not be illegal, since it was His Majesty's Right to issue it forth; nor arbitrary, because it contain'd nothing in it that promoted such violent Methods, and was the result of the King's Will and Pleasure, in conjunction with the Advice of his Privy Council, according to Form, and the standing Rules of the Land: therefore the compliance with it could not wound the Constitution, or strike at the Honour of Parliaments, when the ill Offices that were done to Sir Edward Seymour in relation to the Letter he makes mention, was a manifest Breach of Privilege, and highly injurious to the Dignity those he represented had intrusted him with the preservation of.

Another Complaint in the Declaration, and a Reason given for dissolving those Parliaments, is their *strange illegal Votes*, declaring divers eminent Persons to be Enemies to the King and Kingdom, and desiring to have them remov'd from the King's Council and Presence, without any Order or Process of Law, any Hearing of their Defence, or any Proof so much as offer'd against them. The Persons here pointed at in the Declaration are very well known, so is the Crime for which they are Declar'd Enemies to the King and Kingdom. Time has shewn whether those Parliaments had reason to express their Resentments against those Men who adher'd to the Duke of York's Interest. Had they been less warm for him, they had, perhaps, been kinder to their Religion and Country. 'Tis certain that extraordinary Artifices were made use of to support his Interest. Such I may call this very Declaration, which thought it was reckon'd for very good Reasons, to be contriv'd by a great French Minister, tho it came not out under the Great Seal, and was only subscrib'd by Francis Gwyn the Clerk of the Council, yet was read publickly in the Churches. Such I may reckon the *Adresses* contriv'd and sent up by Men of the same Leven with the former Abhorres: Wherein some ascribe it to his Majesty's Wisdom and Sovereign Authority, that we are not relapsing into the Misceries and Confusions of Tyranny and Usurpation, by the subtil Artifice and cunning Contrivances of the old ENEMIES OF THE MONARCHY AND THE CHURCH. Others, That it is the Kingdom's Interest to continue the Succession in its due and right Line; and take upon them to thank his Majesty, for his unalterable Resolutions to preserve the Crown in its due and legal Course of Descent; and undertake to sacrifice their Lives to preserve the King's Heirs and lawful Successors: And offer their Lives
and

and Fortunes to his Majesty's disposal for this purpose.
 It must be astonishing as well as surprising in those Days, that when Petitions had been not only discountenanc'd, but forbidden by *Proclamations, Addresses* should so soon after be encourag'd and promoted; especially when we consider that the *Petitions* were in reference to matters which every Body understood, and in relation to things wherein the Law justified the Petitioners: Whereas *Addresses* respected Matters which very few understood, and which the Law no way authorises private Men to meddle with, and which none save a Parliament have Power to decide or determine. If change of Parties in *St. Stephens Chappel* make it not astonishing to us now to see a *H—se of Com—s* treat Gentlemen so severely as this has done for presenting a legal Petition, when another House has called others to account for expressing their Abhorrence of Petitioning; yet it must seem a little strange, to see those who promoted *Addresses* to the King to secure the Interest of a *Popish Successor*, imprison so many Gentlemen of Worth and Note in their Country, for addressing them, and praying in the most difficult Times we ever fell into, that our Religion and Safety may effectually be provided for, and that a King, who under God has preserv'd the Protestant Religion, may be enabled to assist his Allies, and consequently preserve our Religion and Liberties. But if nothing of this be strange, is it not a little amazing to compare some Mens Proceedings against others, with those Remonstrances to the Nation publish'd in the Houses of God, where they complain of *Eminent Persons* being voted Enemies to the King and Kingdom, and address'd against to have them remov'd from the King's Council and Presence, without any Order or Process of Law, any Hearing of their Defence? Were such Votes and Addresses greater Hardships in the Reign of a King who made

made it his Rule to heap Favours on those who were under the Displeasure of the House of Commons, than they are under a Prince, whom the Commons reckon oblig'd in a manner to comply with them in all their Desires?

Answer.

Tho' it could not be arbitrary in the King to issue forth a Declaration according to Law, 'twas a high Presumption in the Subject to declare divers Eminent Persons to be Enemies to the King and Kingdom, &c. for adhering only to His Majesty's Interest, and the due Succession of the Royal Family. The Case of those Noble Peers was hugely distant from that of the Lords lately Impeached, who had Articles in due Form and Course exhibited against 'em for high Crimes and real Misdemeanours, not those that were fictitious, and not prosecuted for want of Evidence; and any one that has any remembrance of King CHARLES the Second, and calls to mind his Clearness of Wit, and Vivacity of Expression, can never think he stood in need of a French Orator to dictate to him, or a Foreign Amanuensis to put his Words in due Form for him. As for the Charge he lays upon those Worthy Gentlemen who could not have committed the Kentish Petitioners without a Majority, I dare affirm that Ten of 'em never sate in the Oxford Parliament; and if the Commons of England have oblig'd his present Majesty in the Grant of All, at least the Chiefest of his Desires, it is but a reciprocal Obligation that lies upon Him to gratifie them with a Compliance to their Requests, that are not detrimental to his Kingly Authority.

From

From what I have said it appears when, and upon what account the Subject's Right of Petitioning was run down. As the Petitions offer'd by the People were for the Sitting of the Parliament, and that, to have their Religion and Liberty secur'd in a time of great and manifest Danger: So were the *Abhorrences* of those Petitions set a foot, four Parliaments dissolv'd, the King's Declaration containing the Reason of it publish'd in Churches, and the *Thanksgiving Addresses* to his majesty afterwards procur'd to defeat the Measures then taken for the Preservation of our Religion and to secure the Duke of York's peaceable Succession to the Crown. If there be any who consider, That those who have a concern for the Protestant Religion, must apprehend at least as much Evil from K. J. or his Family's returning now, as from his Succession at that time, and that as it is of as great Importance to the Affairs of France to have him on the Throne, or Confusion in England, as then it was; so Count Tallard must be as industrious in taking Measures to serve his Master, as Mr. Bar----on was in those Days: It must be a very melancholy Reflection to them, to think how differing the Temper of the Co---ns of England now is from what it was then: And to see the Power in their Hands, who were in all those Court-measures which, I'm afraid, have not yet had their worst Effects.

Answer.

The Commons of England have acted this last Sessions so little favourably to King James his Interest, that howsoever industrious Count Tallard might be for His and his Master's Service, he met with very ill Success; which convinces me that he was not so lavish of his Louis-d'Ors as our Author
would

would intimate, who seems to be altogether in the dark, and as foreign from the knowledge of that Minister's Golden Negotiations, as any man breaching. And the King of France has other Fish to fry in the Spanish Territories about the Succession, than to be at liberty at this time to assert a Prince's Title he has already relinquish'd in the late Articles of Peace, and declar'd to be of no Force by his owning King William. Monsieur Barillon's Industry to serve his Master was at a time when the eyes of all our Europe were fix'd on the Inclination of this Court, and when Princes waited to take their Measures from the Discoveries that could be made of which side England would take, that of France or Spain; and the French Minister of a later date employ'd his Artifices to bring over some Courtiers to his side, who were neither honest enough to resist Temptations, nor had Love enough to their Prince and Country, nor to forward the Interest of another Monarch by the Treaty of Partition. But as for Engagements made with Senators, or Gifts distributed to draw over the Country Party to his Master's side, not a Resolution made during this whole Session of Parliament has given the least grounds for such a Suspicion, but on the contrary, has made appear to all Christendom that the Exorbitant Graces of France was an Eye-sore to them, and they unanimously voted such Measures to be taken, as might strengthen our Alliance with our old Friend and Confederates the Emperour, and in Conjunction with the States of Holland, enable him to make good his Pretensions to the Dominions of Spain, which had been in the Austrian Family for some Ages, and were fraudulently usurp'd by a Young Prince of the House of Bourbon.

Good-natur'd People, who are as far from being suspicious of others, as they are from evil Designs themselves, do, I know, judge those Men too severe in their Censures, who think that in the Treatment of the *Kentish* Petitioners there were the same Regards and Designs that were formerly in their *Abhorrences* and *Addresses*: Or that this was done to gratify Count *Ta--rd*, and, by striking a Terror, to prevent the People from running universally into Petitions and Addresses, and conjuring up a Spirit in the Nation which might be very prejudicial to his Master's Affairs. 'Tis true indeed, they do, and must own, that 'tis hard to account for the Severity of their Proceedings: That when the Law has in express Words provided that People may petition the Parliament, they shou'd place such an Affront on the County of *Kent* (I shou'd say the whole Kingdom of *England*) and to imprison their Delegates after the manner they did. If every Part of the *Petition* was not so nicely worded as they wou'd have it, wou'd it not be sufficient to reprove them for it? Wou'd no less Punishment than Imprisonment do? If any of their own Members be at any time tax'd for speaking amiss, they are suffer'd to explain themselves; why should not they allow others to do the same? If there was any thing in the *Petition* which the House thought a Reflection, one of the Gentlemen told Sir *Tbe--us Ogl--rp*, they wou'd declare at the Bar of the House that 'twas what they did not design, and wou'd ask Pardon for it; but nothing wou'd serve that Plenipotentiary's turn but to have them declare that they were sorry for presenting the *Petition*, which they never wou'd do.

Ans. *Whatever he means by good-natur'd People, it is not my Business to explain, but I dare*
K affirm

affirm that any Person of less Simplicity than a more Natural, with half an Eye can find out the same Pernicious Designs, as were in the Petitions to King Charles the First, and might have had the same Consequences in creating a Misunderstanding between King and People, had not the Prudence of our Senators timely prevented the spreading of the Disease, like Skilful Surgeons that make use of Painful Remedies, such as Amputations to stop the Progress of the Gangrene--- Ne pars sincera trahatur, lest it should diffuse it self amidst the Vitals, and occasion the Death of their Patient. The Abhorrences in King Charles the 2d's Time did not aim at the Diminution (or rather Suppression) of the Legislative Authority, but were for the Advancement and Increase of it, they made the Prosperity of the King, the Success of the People, and interwove the Prerogative with the Immunities of the Subject; when that which is now brought as an Instance before us was for placing the whole Authority in the People that sent it, and impudently assum'd the Liberty of Advising those whom they should seek Advice from, as they did in a manner declare War, and cry out, To your Tents, O Israel. Now the Question is, whether Count Talar'd's Louis d' O'rs had taken their Progress into Kent, instead of making a Visit to St. Stephen's Chappel (as our Author would perswade the World) for it's as clear as the Light it self, to be the only way to set the Nation together by the Ears and create Intestine Divisions, was to advance a Proposition that one Third of 'em did not think advisable for their Safety; and sound the Trumpet for a War, when they were yet languishing under the Effects of it, and were so far from being recover'd to their former State of Health by a Peace, that the present Tranquility we enjoy, must have some Years continuance before we can be perfectly able to taste the Sweets of it.

That

That which gave offence was, calling their *Addresses Loyal*: If they were *Loyal*, it cou'd be no Reflection to call them so; if they were not, they had Reason I confess to think it a Jeer, and at the same time they ought to confess that 'twas what they deserv'd. It is most certain, that the Design of the Gentlemen who sign'd that Petition, was to serve their Country by it, which they did effectually: the Methods then that they made use of must be such as they thought properest for that end; wherefore the Goodness and Sincerity of their Intentions must silence every thing that can be said against their way of expressing themselves.

Ans. Men are apt to make a Judgment of the Sincerity of People's Intentions from their Expressions, and where undutiful Words are made use of, there, we may presume, are some Designs of falling from Obedience. The Epithet LOYAL was given to the Parliament Addresses by way of IRONY, not as if they were not actually so, and shew'd the Design of the Kentish Petitioners was to defend 'em, by saying as much as, their Hearts were open and ready to make His Majesty a Tender of their Obedience, but their Purse were shut, and contradicted their fair Speeches by refusing to give him Assistance. If this be not an indecent Reflection upon the Honour of Parliaments, let the Pamphleteer tell me what is, and if he can produce an Instance of so contumacious a Nature amidst any of those Reverential Addresses which he call's Abhorrences, I'll fairly own my self in the wrong, and subscribe to the Truth of what he lays down for unquestionable Verity.

The Censure of the Commons is very severe, they tell us the Petition is *scandalous, insolent, seditious, tending to destroy the Constitution of Parliament, and subvert the establish'd Government of this Realm.* By the Harshness of the Expressions,

a Man wou'd think that this Petition were an Address to a King, or a Remonstrance that charg'd him with a felonious Conspiracy, or making a Treaty in its own Nature unjust. How can it be scandalous or insolent for so considerable a Branch of the English Nation to present an humble Petition to their Delegates, and pray their Attorneys (as Members were formerly call'd) to take care of the Business they intrusted them with? How can it be *sedition* to shew an extraordinary and unparalleled Zeal for the King, to pray that he may be enabled to assist his Allies, and that God may long continue his propitious and unblemish'd Reign over us? How can it tend to destroy the Constitution of Parliament, and subvert the establish'd Government of this Realm, to pray to have those things done, which are absolutely necessary to prevent our falling into the hands of those Enemies who will certainly destroy the Constitution of Parliament, and subvert the establish'd Government of this Realm. The last Westminster Parliament in the Reign of K Charles II. Resolv'd, *Nemine Contradicente*, (as I observ'd before) That to traduce Petitioning as a Violation of Duty, and to represent it to his Majesty as tumultuous and seditious, is to betray the Liberty of the Subject, and contribute to the Design of subverting the antient legal Constitution of this Kingdom, and introducing Arbitrary Power. This Parliament resolves, that the *Kentish* Petition tends to destroy the Constitution of Parliaments, and to subvert the establish'd Government of this Realm. 'Tis very strange that to traduce Petitioning, and to petition shou'd both tend to subvert the Constitution.

Ans^r. The Resolution of the Commons in Reference to the Petition was so necessary at that juncture, that it could not be tax'd with Severity, since it prevented the Nation from entering into

Plots

Plots and Parties, and confederating for each others imaginary Security; and the Expressions in it are much more unblameable, than what was made use of in the Remonstrance is Conferred; and the County of Kent have made themselves so Inconspicuous a Part of the Nation by the Protestment of it, that it was requisite those Gentlemen who represented the Whole should let em know it. It is a warrantable thing to pray for his Majesty, but it is certainly unjust and unbecomingly to revile the Representatives of his Subjects, it cannot be sedition to send up Petitions to Heaven to preserve the established Government, but it looks like something of the same mutinous Complexion, to give hints in a Petition as if it were in danger, and disorder the Minds of the People by acquainting em, that Matters were not fairly carried, when the Session has concluded with all imaginable Advantage to the Publick, by the Prudent Management of our Wise Representatives.

If it be the undoubted Right of the Subject to petition, 'twill be very easy to determine which of the two Resolutions is rightest; and if we compare the former Inclinations of a Party with their late Proceedings, 'twill be evident to us, how the last Resolution happens to be wrong. But 'tis said that there is some thing particular in the Petition, which justifies this Resolution; the Petition directs the House of Commons, and tells them what they shall do; this, they say, is insolent, and tends to destroy the Constitution of Parliament, and to subvert the established Government of this Realm. Very strange! Can any Man or Body of Men offer a Petition to others, that is not liable to the same Censure? Does not their Petitioning plainly say, that they think themselves aggrieved? Does not their Prayer direct those to whom they address, what they are to do? But how this Petition of the
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Grand Jury, Justices of Peace, and Freeholders of the County of Kent, can be said to tend to destroy the Constitution of Parliament, and to subvert the establish'd Government of this Realm, is to me very difficult to conceive.

Ans^r. It's the Subjects undoubted Right to Petition, but not to make use of Words that shew him Superior to the Power he makes Address to, and derogate from their Authority whom he begs Assistance from. They were not Imprison'd for Petitioning, but taking the Posts of those Gentlemen the Petition was given to, and Usurping a Freedom of Speech which is not Tolerated in any Person that is not a Member of that Venerable Assembly. If their Representatives were not Wiser than themselves, Why did they Chuse 'em? If they were not above being Directed, and Capable of making Provision for the Security of the Publick, Why were they Entrusted with the Preservation of their Liberties and all that was Valuable to Men, as Rational Creatures?

Had this indeed, which is an humble Petition, carry'd Authority and Power in it; had they pretended to a Right to command the House of Commons to do what they wou'd have them, I cannot see how even such an assuming Address as this cou'd bring our Constitution into any great hazard. Shou'd the whole Freeholders of the County of Kent join unanimously in such an Address, yet wou'd the Power and Authority of the Representatives of the Freemen of England, and the Constitution of Parliament, rest very secure in the Judgment of the rest of the People, who wou'd never justify such an Usurp'd Authority. An usurp'd Authority I call it, and must subscribe to that, as what I take to be very moderate and just, which Colonel Algernon Sidney says in that Discourse which cost him his Life; I believe, says he, that the Powers of every County, City and

Borough of England, are regulated by the General Law to which they have all consented, and by which they are all made Members of one Political Body--- Among us every County does not make a distinct Body, having in it self a Sovereign Power, but is a Member of that great Body which comprehends the whole Nation. 'Tis not therefore for KENT or SUSSEX, LEWIS or MAIDSTONE, but for the whole Nation that the Members chosen in those Places are sent to serve in Parliament: And tho' it be fit for them as Friends and Neighbours (so far as may be) to hearken to the Opinions of the Electors for the Information of their Judgments, and to the end that what they shall say may be of more weight, when every one is known not to speak his own Thoughts only, but those of a great Number of Men; yet they are not strictly and properly oblig'd to give account of their Actions to any, unless the whole Body of the Nation for which they serve, and who are equally concern'd in their Resolutions, could be assembl'd. This being impracticable, the only Punishment to which they are subject, if they betray their Trust, is SCORN, INFAMY, HATRED, AND AN ASSURANCE OF BEING REJECTED WHEN THEY SHALL AGAIN SEEK THE SAME HONOUR.

Ans. But suppose this Humble Petition assum'd a Power which did not belong to Petitioners (as it actually did) where was the fault of suppressing it? Suppose it had no such thing as Humility in it, but on the contrary was Arrogant and Presumptuous, and tended to the creation of Jealousies, amongst his Majesty's good Subjects, why should it not be said to tend to destroy the Constitution of Parliaments, and to subvert the establish'd Government of this Realm? What has been done, may be done again, and there are some living that have seen a Civil War spring from the same Beginnings, and can witness such Humble Proceedings

as these have occasion'd such Insolence as is not to be Parallel'd in History, and such disrespect to Crown'd Heads, as to Condemn Sacred Majesty as the vilest Criminal, and turn Decency and Order into the greatest Confusion. As for Algernon Sidney's System of Government, it probably may please any one that is crept into the same discontented Republican Party, but what he says has little weight with me, I shall therefore only make this Observation, that it's no disgrace to a Cause, to have an Advocate for a declared Traitor who suffer'd the Pains of Death for his Treason, write against it, but it makes for the Honour of the Proceedings in Parliament, that they run Counter to OCEANAS and Faction's DISCOURSES OF GOVERNMENT.

But tho' a part of the Freeholders of England cannot impose their Commands on the Representatives of the Whole, yet may they represent any private or publick Grievance; nor can I see how the doing this can tend to destroy the Constitution of Parliament. The Meaning of those who tell us that it does, must be this, that some People's complaining in behalf of the Publick, may probably influence others, and thus occasion Petitions from all Parts of the Kingdom. What if it shou'd do so? What if far the greater part of the Freemen and Freeholders of England shou'd send Petitions, and represent publick Grievances; how can this tend to destroy the Constitution of Parliament? If there be any Law which forbids the People to address, or give any Instructions to their Delegates, the doing so must be own'd to be against Law; but 'tis not a Trespass, which (to speak in the Phrase of a certain Patriot) can pull up our Constitution by the Roots.

Ans^r. If a Part of the Freeholders of England cannot impose their Commands on the Representatives of the whole, why should not the County

County of Kent fall under the House's Displeasure for Attempting it, and if they Represent Grievances by way of Upbraiding their Superiors for not Redressing 'em, where is the Infringment of the Liberties of the Subject if they are Punished for so doing? But here were no such things as Grievances laid before 'em, they wanted a War that others might be Aggrieved, and were wearied with a Peace, that had kept 'em something more Honest than ordinary for three whole Years.

But we are told, that by the Constitution of our Parliament, the Members are left to the Freedom of their own Debates, and are to act without Controul; they therefore who take upon them to intermeddle in their Business, invade that Freedom, and consequently our Constitution. They who tell us that the Representatives of the Freemen of England have such a Freedom as this, and are to act without Controul, cannot sure mean that they have delegated their whole Power to them, so that 'tis free for them to do whatever they please, without any regard to the Inclinations or Interest of those who employ them. 'Tis not to be suppos'd that he who takes what Servant he pleases, is oblig'd to suffer him to do what he pleases. The Knights, Citizens, and Burgeses, sent by the People of England to serve in Parliament, have a Trust reposed in them, which if they should manifestly betray, the People, in whom the Power is more perfectly and fully than in their Delegates, must have a Right to help and preserve themselves. Were not this so, the Condition of those who act by Delegates, would be worse, and their Freedom less than that of other States; which I think is not so in the reckoning of Mankind.

Ans^r. The Knights, Citizens and Burgeses, are sent by the People of England to secure their
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Liberties in Parliament, and take care that the respective Places they are chosen for do not suffer in the Loss of their Immunities, or for want of a due Regard to their Customs and Priviledges. They are a sort of Champions that undertake our Defence, and espouse our Cause, and are as much Superior to those they assist with their Councils, &c. as he that makes the Law is to him that is directed by it, or a Person protected to him that give's him Protection, and whatever may be meant by calling them the Peoples Servants, 'tis certain they are the Peoples Masters by their own Act and Choice, and may keep 'em under such Rules of Government as seem most adviseable to the guidance of right Reason, and the direction of Wisdom and Justice.

The *Achaians, Etolians, Latins, Samnites, and Tuscan's*, formerly did, as now the United Provinces of the *Netherlands*, the *Swissers*, and *Grisons* do, transact all things relating to their Associations by Delegates; The *Athenians, Carthagenians*, and *Romans* kept, as the *Venetians, Genoefes*, and *Luccheses* do now, the Power in their own hands. These all, as the above-nam'd Honourable Author observes, were and are equally free. But 'twould, I think, be very improper to reckon them so, unless we suppos'd that the Power committed to their Trustees remain'd still in them.

Ans^w. A Free State (as I take it) is a sort of a Commonwealth that is not Govern'd by a King, but is rul'd by Laws that are not Monarchical, such as *Hamburgh* and other *Hans Towns*, and was what *Mr. Sidney* drove at in his pestilent Schemes relating to Government. Wherefore the Authorities he makes use of from the abovemention'd Author are not pertinent to the Business in Hand, since they are recited to Justify what they were not written in vindication of, and are brought in to Assert what was never intended by them.

That

That the Power arises and is fix'd here, and that the Delegates reckon themselves oblig'd to follow the Directions of those who chuse them, is evident from the practice of other Countries, whose Governments had the same Origin with that of *England*. The Deputies or *Procuradores* of the several Parts of *Castile*, did in the *Cortez* held at *Madrid*, in the beginning of *Charles* the Fifth's Reign, excuse themselves from giving the Supplys he desir'd, because they had receiv'd no Orders in that Particular from the Towns that sent them; and afterwards receiving express Orders not to do it, they gave His Majesty a flat denial. The like was frequently done during the Reigns of that Great Prince, and of his Son *Philip* the Second. The same way was taken in *France*, as long as there were any General Assemblies of Estates; and if it do not still continue, 'tis because there are none. For no Man who understood the Affairs of that Kingdom, did ever deny, that the Deputies were oblig'd to follow the Orders of those who sent them.

Ans. If I chuse a Person for my Commissioner in any Affair, and resign up the management of my Interest entirely to his discretion, I invest him with the Power I had of doing Justice to my self, and have it no longer in my Breast to propose terms of Agreement, &c. I must stand by his Decision in the matter, and hold my self contented with whatsoever Judgment he shall make. I may indeed lay forth the hardship of my Case, and propose it to his Consideration, but I cannot enforce him to act altogether in my favour, and without any regard to Impartiality, decide the matter he is entrusted with, to my Advantage. The same may be done by Countys and Burroughs at the Choice of their Representatives, who may be reminded of the several Grievances the respective Corporations lie under;

but

but not by way of *Command* to redress e'm, but by way of *entreaty*, and in a *dutiful manner* that becomes *Supplicants* to petition for *Favours* they stand in need of.

In the General Assembly of Estates held at Bloys in the time of *Henry the Third*, *Bodin*, then Deputy for the Third Estate of *Vermandois*, by their particular Order, propos'd so many things as took up a good part of their time. Other Deputies alledg'd no other Reason for many things said and done by them, than that they were commanded so to do by their Superiors. These General Assemblies being laid aside, the same Custom is still used in the lesser Assemblies of Estates in *Languedoc* and *Brittany*. The Deputies cannot, without the infamy of betraying their Trust and fear of Punishment, recede from the Orders given by their Principals. The same Method is every day practis'd in the Diets of *Germany*; the Princes and great Lords, who have their places in their own Rights, may do what they please; but the Deputies of the Cities must follow such Orders as they receive. The Histories of *Denmark*, *Sweden*, *Poland* and *Bohemia*, testify the same things.

Ans^r. The General Assembly of Estates held at Bloys, are not govern'd by the same Laws and Customs as our Parliaments at Westminster, and in an Absolute Monarchy as that of France is, should there be any thing that look'd like Tyranny in the Prince. it must be born with Patience by the People. Some Particular grievances in relation to the Corruption of his Officers might be laid forth in all Probability by *Bodin*, but they durst go no higher in *Henry the 3d's* Time; or take the Courage as the Patriots in our Days do of advising their Prince himself, and searching into the most secret Transactions of State, for the Security of the People. Their late Conference held with the House of Lords

in relation to the *Impeachments*, gives a noble instance of their Greatness of Soul, and shews that the Old British Courage is reviv'd among 'em, and that they not only dare to stand up for the Rights of the Commons, but persist in their Resolutions of opposing the Designs of those whose Power in former Reigns has been so exorbitant, as more than once to have treated Inferior Subjects like Slaves, and trample under Foot the very Prerogatives of Princes.

This appears to have been the Constitution of England. Formerly, says my Lord Coke, in the Writs to the Sheriffs for the election of Commons, the King signified that by the Advice of his Council he called them together about some weighty Affairs, that concern'd himself, the State and Defence of his Kingdom of England, and the H. Church, and required them to chuse such Men as would promote those Affairs; that for want of such a Power, and by an improvident Election, the aforesaid Business might not be left undone. The Business that requir'd their meeting was publish'd in the Writs, that the Commons and Freemen might consider what they thought convenient to have done, and that they might chuse proper Delegates, and direct them as they thought fit. This I take to be the Reason why 'twas always the Custom at the meeting to declare the cause of Parliament, which in antient time, (says he) was shew'd in the Chamber de peint, or St. Edward's Chamber: That the Persons elected being more fully inform'd of the Business to be transacted by them, might be able to give their respective Countries timely information of it, in order to receive their Directions therein. In this Opinion we may be confirm'd by what that Great Sage of the Law tells us in another place. When any new Device is propos'd on the King's behalf, says he, the Commons may answer, That tendred the King's Estate, and

and they are ready to aid the same, only in this new Device they dare not agree without Conference with their Countries.

Ans^w. My Lord Coke in his Institutions by saying formerly things were manag'd so and so, does not Affirm matters ought to run in the same Channell now. Formerly Rebels dar'd Affront the Legislative Authority, take Arms against their King, and lay violent hands upon God's Anointed; but such Practices are out of door at this time of day, and ought not to be made use of as Precedents for tumultuous Proceedings. There is no reason because Ruffs and Farthingals were made use of in good Queen Bess her days, that the Ladies should dress themselves after that Antique Fashion now. Our Edwards and our Henrys had no Lewis the 14th to deal with, to oppose their Designs as soon as they were made known to him, and might let the Subject know, by the Writ he was Elected by, what business was to be done in Parliament; but Times are alter'd since their days, and Politicks have quite another sort of Appearance. Our Senators are call'd now by His Majesty's Writ ad Consulendum in Arduis Regni Negotiis, to consult about Matters of high Importance, which are of too great moment to be made Publick no otherwise than the Commons themselves at every Session shall think fit.

Since then in our Constitution the Delegates of the People have reckoned that they had a Trust repos'd in them by those whom they represented, and that they were oblig'd to make their Will the rule of their Actions; 'twill be very hard to conceive how it can tend to destroy this Constitution, to pray them to have a regard to the Voice of the People. If they faithfully discharge the Trust repos'd in them by the Country, 'twill be impossible at any time to procure a Petition signed by such a number of Gentlemen as those of the County of Kent, which
may

may any ways seem to arraign their Proceedings; but if their Management bring them under the suspicion of the Nation, the People, who have a right to preserve themselves, must be allow'd a Liberty, to let them know in civil and respectful Terms what is the Voice of the People, and what they think the Necessitys of the Publick. In such a case 'tis impossible for all to represent the Publick Grievances together; some therefore must begin, and they who address first, when there is a good reason for it, deserve the Thanks of the Whole. 'Twas impossible that such a considerable Body of Gentlemen as the *Kentish* Petitioners should conspire together to affront the House of Commons; they knew what they did was done in the Eyes and Face of the Nation, that such an Act of folly and madness must bring 'em into the lowest degree of Contempt with the People of *England*. They thought therefore what they did was a Duty which they ow'd their Country in that great and nice Juncture; whether it was so or no, will appear from

Ans^r. The voice of a Particular Community of People, or a select Body chosen out of a County, must not be understood as if the whole Nation join'd with them in their desires, or reckon'd the Voice of the People in General. Each Particular Member of the Honorable House of Commons has a Trust reposed in him, for the Preservation of the Rights which belong to each distinct County, City, or Burrough, and if the Inhabitants of the said Places think themselves aggriev'd, they ought to Address themselves only to those Knights, Citizens, or Burgeses, they have had the more immediate Choice of, not Petition, or (in more adequate Terms) complain against the whole House for their want of Forecast, in not preventing those Inconveniencies they fancy themselves threatned with. Mr. Meredith,

one of the Knights of the Shire for the County of Kent, told 'em the ill Consequences, and how it would be resented by the House, nay further, refus'd to deliver the Petition to the House, for fear of the displeasure of that August Assembly, and persisted in his Refusal, till he was threaten'd by one of the Petitioners as a Betrayer of his Country, and unworthy to be their Representative; and had it been their Duty to act in such a manner, such a Considerable Majority of the House, who had no Personal Enmity against either of the five Envoys, would have scarce concurr'd in the Order for their Imprisonment; and His Majesty himself, whose Justice even the most presumptuous Arrogance cannot dispute, would never have given Command to have them struck out of the Lieutenantcy, and Commission of the Peace, as Mr. Secretary Vernon told the House he had.

The third and last Member of this Discourse, which is to shew what Reasons those Gentlemen had to petition.

'Twas notorious to them, and all the World, that our Affairs were at that time in a very dangerous and melancholy Posture. They knew that France has a long time aim'd at the Universal Monarchy: That as she has Maxims in her Government which are very well calculated for such great Designs, so by her carrying on a Ten years War against the powerful States confederated against her, they saw that she has Force to support her in her Enterprizes. If her Power was formidable when she match'd us only in her own Strength, it must be very terrible to see her strengthen'd with the Union of no less a Power than that, which two Ages before grasp'd likewise at the Empire of the Universe. 'Tis true indeed, those Dominions were not bequeath'd to her; but being given to one of the House of Bourbon, who must live under the

Guardianship, be protected by the Power, and govern'd by the Councils of *France*, she must necessarily and of course have the same command over their Wealth and Force, that she had over her own. This was an early Effect of the *Spaniard's* Will; for tho' in the beginning the *French* Party among us endeavour'd to make us believe, that *France* would be in no better Condition than 'twas before, because the Duke of *Bourbon* would forget his Father's House, and be govern'd only by *Spanish* Councils; yet the contrary was evident at the Time those Gentlemen deliver'd that Petition.

Ans^r. Having very methodically consider'd, or in his own words deliver'd his Opinion concerning the two first Parts of the Text that has fall'n under our Observation, he apply's himself to make out the Third with the same Clearness and Perspicuity of Thought. 'Twas notorious, says he, to them and the whole World, that *France* had a long while aim'd at the Universal Monarchy, &c. Why then did not the whole World rise up in Arms to oppose it? Where was the Necessity that we alone of all the Christian States should first take an Alarm at her Designs, and break those Tyes of a perpetual friendship which we were engag'd in by the late Treaty of Peace to the most Christian King? Were we more in danger than those upon the same Continent with him, or less Powerful to prevent his Designs than some Princes of Germany, whose nearest Concerns was to make Provision against any possibility of such Enterprizes? The Emperor indeed had some reason for making Armaments, and endeavouring to persuade other Princes to enter into Alliances with Him; He was more immediately related to the late King of Spain, was of a Family which had given Sovereigns to that Great Monarchy for several Years, and thought himself highly injur'd by a Will, which if genuine, was made against his Interest and

the most strict Agreements between the most Catholick King and himself, if fictitious, was a Violation of the Right of Kings. But we had nothing to do with the Quarrel, we were well assur'd we had no Legacies left to us, and no Pretensions to make on our Parts, we were secur'd by our Fleets which are the Bulwarks of the Nation; and the Parliament had been liberal in building of Ships, and supplying His Majesty to Man the Royal Navy, that tho' it was not our Business to begin a Rupture, it was in our Power to defend our selves, secure our Navigation, and Trade, and maintain the Rights of Commerce with all Parts of the Earth.

They saw that the *Milanese* was deliver'd up to her; that the strong Holds of the *Spanish Netherlands*, which we have a long time reckon'd the Bulwark of *England*, and have spent vast Treasure and Blood to keep them out of her Hands, were all in the possession of her Troops: And not only so, but that the Administration of all the Affairs of *Spain* were given up to her. Besides this, they saw how great a Breach has been made in the Protestant Religion since the beginning of the last Age: That the Kingdom of *Bohemia*, which was almost wholly Protestant, is now intirely Popish: That in *Poland*, *Austria*, and *Moravia*, the Protestants who were a Moiety of the People, are utterly destroy'd: That their Destruction is almost compleated in *Hungary*: That the *Newburgers* from zealous Protestants, are turn'd deadly Enemies of the Protestant Religion: That the *Palatinates* are wasted with Persecution, and the *Saxons* their Neighbours are so far from being able to succour them, that they are in danger from their own Prince: That in *France* where they were powerful enough to carry on several great Civil Wars; and in *Piedmont* where their Numbers were much greater in proportion

portion to the Countries; and in *Flanders, Bavaria, Bamberg, Cologne, Wartzburgh, and Worms*, where they were very numerous, their Religion is totally extinguish'd.

Ans^r. The Milanese are so far from being possess'd by the French, that they will not as much as permit a French Garrison in any one Place, and the Capital of it has lately given such an Answer by its Senators to Prince Vaudemont, that it will rather be at the expense of raising the Militia, than ever it shall. It is true indeed, the Town of Mantua has a French Governor in it, and the Duke of that Name, is essentially in the Interests of that Kingdom, that the Holds in the Spanish Netherlands, are Gar-
risoned by the most Christian King, but his Troops are bound upon his Royal word, as soon as the said Town shall be put into a Posture of Defence, and the Spanish Army compleated and made Capable of preventing any Insults on their Frontiers. As for the Affairs of Religion, things are in the same Condition in Poland, Austria and Moravia, as they were before His present Majesty King William's Accession to the Throne, and since no noise was made on our side in Relation to the Persecution in the Palatinate at the King Spain's Death, why should we bring it in as a Reason for War, especially at a Time when it is known that the Elector Palatine has devoted for his Imperial Majesty's Interest. If he had not forgotten the Disgrace at the Island of Rhe, he would never have made mention of the Protestants in France, we have often times attempted their Relief to our Cost, and our Enterprizes in Favour of the late King of Bohemia, have attended with such a series of Misfortunes and such pernicious Consequences, that might oblige us to give over our Designs of interfering with other Kings Affairs, and wholly apply our selves to our

All this was a very melancholy view; and that which made it more so, was to consider that *France* (which out of regard to her own Interest, the greatest and indeed only Obligation in the World to her, was oblig'd by all means possible to destroy the Northern Heresy, she having made this the Foundation on which she built her Hopes of Universal Monarchy) was now in a new Friendship and Alliance with the fiercest Zealots of the Church of *Rome*; the *Spanish* Clergy, Men whom 'twas her business to gratify, and whom she could not gratify more than by contriving severer Methods to torture and destroy Hereticks.

Ans^w. The Prospect is Melancholy enough, that's certain, and we ought to commiserate the Sufferings of our fellow Creatures, but did any of the reformed Church in *Poland*, *Austria* or *Moravia*, come to our Assistance in the many Dangers our Religion has extricated it self from? Did the *Newburghs* send us any Ships or Forces in the *Spanish* Invasion, or the *Huguenots* in *France* rise up in Arms when their King was Arming against us, and in conjunction with the late King *James*, was advising what Measures to take in order to rob us of our Liberties and all that was dear to us? The *Spanish* Clergy 'tis own'd, are great Bigots and Devotees to the See of *Rome*, but the present French King is so dutiful a Son of the Church as to give his Implicit obedience to that Holy Mother, where it is for his Interests; and since there is no Inquisition in *France*, and by his own Words, French Customs are likely to be Introduced into *Spain*, in all Probability the Inquisitor General will lose his Office and there will be no such Court held in Philip's Dominions. Which supposition may already seem to be verify'd in the Inquisitor General's being in Disgrace at the Court of *Madrid*, for his Confederacy with the Emperor's Party, who is known

to be the greatest Bigot to the Romish Superstition of any Prince in Christendom.

In such a Juncture as this, 'twas easy for a very weak Capacity to see what it imported *England* to do in order to secure her own and *Europe's* Liberties, and to prevent the utter extirpation of the Protestant Religion both at home and abroad. 'Twas evident that *France*, which had made such Advances already, wanted nothing to make sure of the Universal Monarchy, but only to confirm her self in the Dominions of *Spain*; and as evident it was that every day she continu'd unmolested in her new Acquisitions, her strength must grow prodigiously, so that in a little time it must be insupportable. In that Case she had leisure and opportunity to settle her new Dominions, to discover the Weaknesses of their Fortresses, as well as Policy, and to repair both; to learn the Temper of the several Provinces, and to consider how they might be secur'd, and by what Governours; to make the best provision that was possible for defending *Milan*; and (which has been a long time one of the high Reaches of her Ambition) to get into a quiet possession of all the strong Holds in *Flanders*.

Ans^r. Weak Capacities generally have the best Thoughts of their Abilities, and over-look Difficulties when they would have any Enterprize brought to bear. Any Person indeed may see things do not go well on his side, but it's not in every one's Power to remedy what is amiss. Conveniencies are to be staid for, and Opportunities expected, to help forward our Designs in hand, and we are not to make use of open Violence, till such time as fitting Expedients are found out, which may put us almost beyond the possibility of miscarrying. These were the prudent Thoughts of those whose Wisdom he upbraids, and tho' *France* has had time to provide against us

by

by way of Precaution, can fortifie her Towns and Garrison, the frontiers which are most expos'd to the Insults of an Enemy; we have an equal Advantage likewise of providing our selves, and entering into such Negotiations with forreign Princes in the mean while, as shall totally secure us, and render us a Match for the most Christian King, were he never so formidable.

Besides this, there was another inestimable Benefit which she reap'd by the Quiet that was indulg'd her. Whilst those who a long time check'd her growing Greatness, patiently endur'd this new Union of Power, what could the other Nations of the World think, but that this unconcernedness proceeded either from an inward Satisfaction that France had acquir'd such Power, or a despair of breaking it, and restoring the Balance again? The natural Consequence of either Reflection must be to resolve that 'twas their Interest to submit, and indeed to make their Court to a Power which was likely to meet with no opposition.

Ans^r. France had arm'd her self under the Pretext of making good the Treaty of Partition, had Troops almost innumerable, ready to take the Field upon the first Occasion, and was in a Condition at the Decease of K. Charles the 2^d of Spain, to have done what she pleas'd, in spite of all the Force of Europe, then in Being: The Motion of the Germans is naturally slow, and requires Time to be perform'd in; the Italian Princes were in general averse to a War, and had introduc'd too much Luxury into their several States, to recover their old Martial Temper which they were once Famous for; and the Dutch were so unprovided in their Frontiers against such Potent Neighbours as encompass'd 'em on every side, that a Declaration of War, had been an entire

Loss

Loss of the Liberty's of Europe, which in all probability may be preserv'd by the prudent measures that have lately been taken. Cunctando restituit Rem, was the Character of a Roman General, by a Cautious delay he restor'd Rome to her former Greatness, and made amends for the rash and precipitate Conduct of those that had almost ruin'd her; and who knows but our late Proceedings may deserve the same Praise, since it is not much to be fear'd but they will be attended with the same Success.

It was this that made the Spaniards, and the People of their Provinces tamely suffer one of the House of Bourbon which they hated, to take possession of their Dominions: 'Twas this made other States enter into Neutralities and Alliances, which they would have refus'd, had not the quiet and peaceable Conduct of others govern'd their Inclinations. Having once fix'd their Resolutions, 'tis to be fear'd we shall find them adhere too obstinately to what they have engag'd to France, and resolv'd with themselves. If honour be not sufficient to influence them, and keep them steddily to the Side they have chosen, even Interest may help to do it now; for the Notions of that alter, when Men have new modell'd their Thoughts, and let their Heads run upon other Schemes.

Ans. The Treaty of Partition in all Appearance, not our unprovided State, made the Spaniards take such Measures as they did, and occasion'd the WILL in favour of the House of Bourbon, and our adhering to too precipitate Counsels, broke off that Confidence which was maintain'd between the two Nations. It was therefore the Fault of the Ministry, or rather to be imputed to the Parliament, who to their lasting Honour have

have Impeach'd the Projectors of that ignominious Treaty as **ENEMIES TO THE PUBLICK GOOD**, and great Contributors towards the Exorbitant Greatness of France. They gave away those Kingdoms which these would keep in their due Obedience to Spain, and parcell'd our Large Tracts of Land to the Family of Bourbon, when it's as certain as truth it self from the Publick Votes, that these have Address'd His Majesty to enter into a strict Alliance with the House of Austria, and other Confederate States in order to oppose the Possession of what they so easily made a Grant of.

In that great Juncture, when the Season was for making the earliest and best provision for securing the Liberties of *Europe*, the Eyes of the World were all fix'd upon *England*. 'Twas she who had always kept the Ballance; and she only having it now in her power to determine whether it should be preserv'd or no, other Nations were to observe her Motions, and take their Measures from her. None could doubt but that if she had enter'd betimes into a firm League with the *Emperor* and *Holland*, 'twould have presently produced a Confederacy strong enough to humble *France*, which was grasping at things much beyond the reach of her Power, in that feeble and weak Condition she was reduc'd to by a long War and evil Conduct.

Antw. At the Death of the King of Spain, the Eyes of the World were fix'd upon England, in order to know how they would relish such a Disposition that was made against the Interest of her Antient Confederates. But the Constitution of this Kingdom would not allow of such Measures as the Pamphleter would have us take at
the

the very receipt of the News. His Majesty indeed might have declar'd a War as it was part of the Royal Prerogative, but he could not carry it on successfully without the Consent of his People, the Sinews of it were wanting, Funds already given for the Service of the Publick Deficient, and the Nation nigh Twenty Millions in Debt. When the Parliament sat, they acted so cordially for the Preservation of the Peace at the same time as they were employed in finding out Ways and Means to begin a War, that whoever will take the pains to examine their Proceedings, must needs conclude they have done as much for the People of England as ever their Representatives did, and have studied the welfare of our Ancient Liberties, as heartily as ever Men did.

It was therefore undoubtedly the Business of English Ministers to advise the calling of a Parliament immediately upon the news of the Spaniards's Death, and of the Parliament to address the King to make *Alliances*. Had this been done Portugal would have thought it her interest rather to enter into Alliances with them, than make her self a Party in establishing the Throne of the Duke of Anjou, who when he is establish'd and made one with France, will certainly set up his Title to Portugal. The Duke of Savoy then would have consider'd that it was by means of the Equilibrium between the House of Austria and France that his Ancestors preserv'd their Dominions; he would have consider'd likewise whether 'twas worth his while to make his Sons Beggars, or Soldiers of Fortune, for the sake of aggrandizing his Daughter. This will be the Acquisition of his Battles if they be successful; for when the Milanese, and both the Sicilys are in the hands of France, his Dominions will be necessary to her for Communication.

Ans^w. *What was the Effect of Evil and Corrupt Ministers Advice, ought not to be imputed to the Conduct of those that have arraign'd 'em for want of a due Forecast, or (what is worse) a stock of Honesty, but should be laid at the doors of the Contrivers. However the Parliament might have been call'd together before the Middle of February, and yet the King of Portugal would not have resisted the Offers of France which were so much to his Advantage, and bound Spain to relinquish her Right and Title for Ever to the Lusitanian Provinces; The Duke of Savoy likewise was too nearly related to the French by the Marriage of one of his Daughters to the Duke of Burgundy, and more entirely devoted to his Interest by the Promise he made that the other should be Queen of Spain, and tho' the Equilibrium between the two Powerful Houses of Austria and Bourbon made his Ancestors preserve their Dominions, the Advantageous Proposals made to him on the Parts of Lewis the 14th, and Philip the 5th, made him certain of adding fresh Titles to his Family, and being the most considerable Prince in all Italy.*

The Pope then probably would have reflected on the Affair of the *Corfi*, the Extention of the *Regale*, the four Propositions that were advanc'd at *Paris*, and all the enormous Attempts against the Dignity of the Head of the Church in the Person of Pope *Innocent XI.* and would perhaps have declar'd for the Emperor, had he had such encouragement to do it. Nor is it improbable that the Republick of *Venice* would do the same, she could hardly avoid considering betimes, that the Neighbourhood of *France* prov'd so fatal to her in the small number of Years that *Lewis XII.* enjoy'd *Milan*, that he reduc'd her to greater Extremities than any other War, even that of the *Turks*, ever did. A Consideration so powerful with that wise Republick, that tho' the vast
Power

Power of the House of *Austria* under the Emperor *Charles V.* might have given her just grounds of jealousy, she would never lend her Ear to any Proposition of *Francis I.* Successor to *Louis XII.*

Ans. The Pope would scarce have turn'd Protestant, and join'd with England and Holland, from the Specimen he has already given of the bent of his Inclinations for the Propagation of the Romish Faith, and the valuable Presents he has made towards the Support of the late King, as well as Promises of contributing what lies in his Power towards His Restoration. The Business of the Regale cannot well be digested by one of his Cholerick Temper, and the Four propositions, doubtless, stick in the holy Pontiff's Stomach; however he has been hitherto so far from shewing his Resentments, that he has in a manner own'd the New King of Spain, by permitting Him the Nomination to vacant Bishopricks and Abbys; and the Republick of Venice seem inclinable to the French Interest, in adhering to a strict Neutrality, even at a Time when the German Forces are so powerful and triumphant in the very Heart of Italy, as to Countenance their pulling off the Mask, if they had any Intentions to befriend em.

Had things been upon a right foot in England, 'tis very probable that the Duke of Bavaria, and his Brother the Arch-bishop of Cologne, would have remembered the Obligations laid upon them, at least their own Interest; and that the former would have taken Measures which would make the War much easier than 'twill be. In that Case the People of Spain, and their Provinces, would, if they did no more, keep up their old Resentments against France, which in a convenient Season would render them very useful to the Confederates.

Ans^w. When Princes have Ingratitude in their very Natures, it must shew it self at the first Opportunity. The Duke of Bavaria owes his Government of the Netherlands to K. William's Interest with the late King of Spain, and his Brother the Electorate of Cologne and Principality of Liege, to his Wise Negotiations; But neither the Obligations which were laid upon the One, in the Provision for the Succession of his Son, the Electoral Prince to the whole Spanish Dominions, nor the Friendship which was shewn to the Other carry'd that Weight with 'em as they deserv'd. The latter of these two Prince's Territories lie so much expos'd to France and Spain, and the first has so many Millions due from his late Catholick Majesty for his Salary, and what he has laid out in defence of the Spanish Netherlands, that he must run the risque of every Florin the French King stands engag'd for the Payment of, should he take other Measures: Since the Emperor is not in a Capacity to reimburse it to Him, and His Majesty is so uncertain of pushing on his Conquests over all Spain, that 'tis to be doubted whether he can get so much as footing in the Dukedom of Milan.

The Germans would consider what danger they were in of having a Prince, grown so great by the Accession of the Spanish Dominions, carry his Arms into Germany, where he has great footing already, and challenge all the States that compose that great Nation as part of the Succession of Charlemaign, of which he and other Kings of France have already declar'd themselves Heirs. In this Case some (as the Chapter of Cologne seems very lately to have done) would consider that in an Hereditary Empire, there would be no more Colleges, nor Diets, nor Chapters: Others, that 'tis a vain thing to dispute about Prerogatives, and to make France judge of the Dispute, whose Arbitration must

must turn to the Ruin of the Empire. And the result of these Reflections would be to enter into Measures agreeable to them.

Ans^r. The Germans would still have been the same slow Creatures, as they are at this Juncture, and would not have brought their Troops into the Field before it was time to shut up the Campaign, and march back again into Winter Quarters. Their swiftness in prosecuting Affairs, and standing up for the Interest of the Empire, may be seen from the haste they have lately made to assemble together for one another's mutual Defence, and their suffering the French to have an Army that Consists of more than fifty Thousand effective Men, when they have not so much as five Thousand drawn together to oppose their Designs.

These probably had been the Resolutions of those Foreign States, at least of some of them, but not the management of England discourag'd them to that degree, that they must arraign themselves of rashness and folly, if they had taken those Measures which they themselves knew were most for their Interest.

Ans^r. The Management of England has been such, that the States of Europe that are Afraid of a French Yoke, must needs be encourag'd to contribute what lies in their Power towards the Advancement of the Publick safety from it. The King declares from his own Royal Mouth, that nothing can more effectually conduce to our Security, than the Unanimity and Vigour which the Commons have shew'd in this last Session. But this Author contradicts his own Sovereign, and affirms that it is too late, and would make the World believe that they have been negligent of our Security, and that of our Protestant Neighbours? Whom we ought to give credit to, Manners will direct us, and His Majesty's words without doubt have more weight with the thinking Part of the Nations, than the Expressions
of

of a Party that never acted any thing yet that was Considerate.

Things being in this state, 'tis very plain that the Gentlemen of Kent had a great deal of reason to pray the H--se of Com--ns to have a Regard to the Voice of the People, that our Religion and Safety might be effectually provided for, and that His Majesty by Supplys might be enabled to assist his Allies. The Voice of the People was then every where loud for War, there was scarce any so weak as that they could not see that no Provision could be made for our Religion or Safety without it. 'Twas manifest that France, after she had been a while settled in her new Dominions, would be able to overcome Holland whenever she pleas'd. Holland being overrun, 'twas easy to see that England being spoil'd of her Trade by that Revolution, and the Union of the two great Kingdoms, must soon follow her Fate.

Ans^r. But suppose things are in a quite different State (as certainly they are) and bear another sort of Face than what he puts upon 'em. The Voice of the People will soon drown the Voice of a few Kentish Men, and send forth other Clamours than what are made use of to call for fresh Desolations, and supplicate for an Addition to those Misfortunes which are but too pressing upon us already. Poverty displays it self to a great degree in all our Borders, and the Tears of Widows for their slaughter'd Husbands, and Children for their deceas'd Fathers are not yet dry'd up. Should we therefore be fond of having a new stream burst forth from our Fellow Subjects Eyes, or lavishly call for a new stock of Miseries by petitioning for a War to introduce 'em? Should we seek for the same Causes which have occasion'd these deplorable Effects?

The French Party indeed told us, and (which among other things occasioned some Reflections) the H--se of Com--ns seem'd to some to be of their

their Opinion, that our Security might be sufficiently provided for by a good Fleet. 'Twas a very fond Opinion to imagine that we, who in conjunction with *Holland*, were the last War insulted upon our own Coasts by the Fleet of *France*; and another time had probably been ruin'd by them, had not the Heavens been favourable to us, should be able, after the loss both of our Trade, and the Assistance of the *Dutch*, to maintain a Fleet big enough to secure us from a Power so exorbitant as that of *France* would then be. A *Powerful Fleet* are words that sound plausibly in the Mouths of those People, who are for having our Arms to be as little grievous as may be to *France*, and they serve to amuse and impose upon weak People; but Men of understanding must allow this to be a very uncertain Security.

Ans^r. We were never worsted in our Fleet joyn'd with that of the *Dutch*, by the *French*; and what he calls insulting us upon our own Coasts, was after the Engagement of forty two English and *Dutch* Ships with all the Naval Strength that belong'd to *France*. That miscarriage laid at some Great Mens Doors, who were then Commissioners of the Admiralty, not in the Fleets of either *England* and *Holland*, and 'tis Apparent by the little use the *Monsieur Tourvill* made of that Engagement, that he had other thoughts of our Strength, and the Conduct which has been shewn by *Lewis* the 14th's Admirals since, is a Token enough of their distrust of their own Power, rather than a Confidence they have of its being Superior to Ours, and we are capable at this Time without the Assistance of the *Dutch* to Equip two Hundred Sail of Vessels of War to Sea, in order to our further security, which is wholly owing to the Conduct of our Parliaments that have rais'd such vast Sums of Money to build 'em for the Preservation of these Kingdoms.

This

This was the only Provision for our Safety, which the Parliament for a long time seem'd inclin'd to allow us. Whatever matter was offer'd that seem'd to have the least tendency to a War, was violently oppos'd by the *Sp--er, Ma--ve, Sey--r, Sho--r, Fi--ch, H--w, Ha--rt*, and all those who were entirely in the Interest of that Party. This Aversion they plainly discover'd in the beginning of the Session, when on the 14th of *February*, immediately after the King had made his Speech, they came to the Resolution, *To stand by and support His Majesty's Government, and take such effectual Measures as may best conduce to the Interest and Safety of England, the preservation of the Protestant Religion, AND THE PEACE OF EUROPE.* We cannot but remember what Debates arose upon this last Clause, and with what Difficulty 'twas carried by 181 against 163, and that the Reason why 'twas oppos'd was, because 'twas plainly declaring for a War: Here it was that the Prejudices began against that Party in the *H--se*, and this laid the Foundation for the great suspicions that follow'd afterwards.

Ans^r. The most weighty Considerations induc'd those Gentlemen to think, that in so great and important an *Affair*, as the *Business of War*, they could not act with too much Caution: They consider'd 'twas an easy thing to have recourse to Arms, but the difficulty was to obtain such a Peace by the use of 'em, as to enable 'em to lay 'em down with Honour and Advantage to the English Nation. They could not but take notice of the forwardness of those Gentlemen to enter into a new War, who had got most by the management of the Last, and took it as a great discouragement to Honest Country Gentlemen to see the Nation so much in Debt, and the Chief Managers of Publick Affairs so vastly Rich. And therefore since the Circumstances of the Kingdom

dom were such, that they were not able to do in this as in the last War, since the Emperor was the Principal Party concern'd, and the Dutch in more immediate danger, the Commons thought it very reasonable, that those two Powers which were chiefly griev'd should make the first advance towards it, and in Case an Honourable Peace could not be attain'd, the Empire and Holland should apply themselves to England, and not England to them. That is, they were not against bearing the greatest Burden of it, as they did in the Last. For had they declar'd at the beginning of the Session what they did at the latter End of it, Holland had been overrun, the Dutch surpriz'd, all the English and Dutch Merchants Effects seiz'd abroad, and England it self almost in Danger of an Invasion.

It was amazing to all those who could discover no possible means to preserve us, but by a vigorous War, to see such a great number of the Representatives of the Freemen of England, labouring for that which of all things in the World France most desir'd, and would give any Money for. Nor was this the Voice of that Party in the House alone, but all without Doors who were of their Faction, and all who had any byas to France, or St. Germain Family, were every where industrious and noisy in decrying a War, and setting forth the inconveniences of it. But that which gave the melancholiest Reflection of all, was to find that those who were thought to have the sole Direction of publick Affairs, were in the same sentiments. They spoke their Minds freely upon that Subject, as we have been told, so did their Friends; and the saying of one Gentleman in great Station, to Count Vran the Emperor's Minister, ought to be remember'd.

Ans. So amazing as it was, the most considerate Part of the House of Commons, as well as those that had any Stock of Intellectuals in the Nation

Nation were for taking such measures as to preserve the Peace of Europe without entering into a War, and keeping the Ballance in its due Poize, without making use of such Means as certainly would incline it to the French Interest. The most Christian King had not such a Distrust of His own Strength, nor such an ill Opinion of above Two hundred thousand compleat Troops, and as well regulated as any in Christendom, that he stood in fear of any Insults whatsoever, but was willing to see his Grandson not mount His Throne from Heaps of slaughter'd Carcasses, or swim to the Possession of Both Indies thro' a Sea of Blood; and tho' it is well known He might have acted on the offensive Part, and been very Troublesome to some Neighbours, He made it His Choice to wait the Motions of those he had Reasons to call Enemies, and stood prepar'd only to resist Force by Force, should any be so hardy as to attack him. Since therefore he was Powerful and strongly provided with such numerous Armies, those cannot be thought to be Friends to France, that took time to put themselves likewise in a Posture of Defence, that endeavour'd to oppose His Designs without a Declaration of War, and made Armaments by Sea and Land, in hopes that the report of their Strength might induce him to stand by the Peace, in surrendring up such Cautiounary Places to England and Holland, as should be agreed on by the Parties concern'd.

What their Sense was, the Author of the three Essays told us before the Parliament sat: the manner of his expressing it speaks it to be publish'd with their Allowance, and those who know his Conversation with them, were perswaded it was. "If any among us (says he) seem at present willing to embrace peaceful Councils, and to decline entering upon immediate Action; 'tis not that they doubt themselves, or dread the adverse Strength, or that

" that their antient Enmity to *France* is buried in
 " Oblivion. -- They are not so apprehensive of
 " Coping with any foreign Strength, as they are
 " fearful they shall be compell'd to enter into
 " fresh Conflicts with the Enemies of *ENG-*
 " *LAND*, whom they had almost subdu'd, &c.
 " Their Ears can never endure the Cries of the
 " Poor, for want of Work, &c. 'Tis a mon-
 " strous *Tenderness and Compassion*, which can en-
 " dure rather to see Popery and Slavery display
 " their Banners in this Land, than to behold the
 " Calamities which a new War must bring upon
 " their Country. If he can see how they can be
 " kept out without a War, he sees things in quite
 " another Light than what any honest Englishman
 " can.

Ans^r. A Gentleman in a great Station who must
 needs be a Privy Councillor at least, would scarce drop
 a word that should let Count *Uratillaw* know that
 the Sent of the Court was not for a War, and if
 the Author would reflect with himself who got Mo-
 ney the last War, and heap'd up considerable Treas-
 ures, who manag'd the Funds that were given
 for the Publick Security, for their own Private
 Interest, and occasion'd such a Deficiency in 'em,
 as is now but too visible; he would scarce bring them
 in for Sticklers against it. Besides, His Majesty
 their Master's Martial Genius, His aversion to the
 French Interest, and his desire to bring down her
 growing Greatness, are such convincing Arguments
 for those that are in Places under him to be of the
 same Sentiments, not to enter into Discourse with the
 Emperor's Minister that should be so unpleasant to
 him, and which he could not but expect would come
 to the King his Master's Ear, who had espous'd the
 Austrian Family's Interest. As for Dr. Dave-
 nant's Book, the Arguments of it are of such
 weight with all thinking People, and the Reasons for
 a Peace so poignant and strong; that if the House

did actually allow he spoke their Sense, they must needs acknowledge he has done 'em all imaginable Justice in expressing it.

One would think he thought but slightly of a War, when he tells us, that one of the greatest things to be dreaded in it is, that 'twill bring those Men into play again, who never gave us the least suspicion of their being in any other Interest than that of their Country. 'Tis very easy to perceive what his Designs are, both in running down those Men, and labouring to give us a dismal Idea of a War: But he and his Friends tell us, that his Book shews him to be plainly for a War. 'Twas cunning in him to say something, for fear of falling under the rage of an injured Nation; and 'twas Policy to grant him a Dispensation to do it, lest by being too plain in handling an odious Subject, he might put it out of his Power to do any Service for the future. He seems sometimes to write for a War, but (which shew'd his Inclination) voted against it amongst the 161: he ought indeed, he said, to do otherwise, but *Ja-k H-w* smil'd so pleasantly upon him, that he could not divide against him.

Ans. 'Tis the Interest of the People of England to have the Publick Treasures exhausted, and those entrusted with the care of it that were of slender Fortunes, and consequently would endeavour to raise themselves by the fingering it; if they acted for their Countries good that postpond every other Consideration to their own enrichment, and like a certain Pay-master, that tells the Publick Money over a Grid-Iron, and challenge's all for his own that fall's thro' it, got incredible Estates from very small Beginnings, then the Dr. is infallibly in the Wrong. But, if it be not fitting that those who have been guilty of such Mate-Administration, should be brought into the Ministry again, if the

Idea of the War is dismal enough of its own nature, more especially when that Nutriment that should feed it, and those Funds that are the Sinews of it, are made over to other Purposes, where are the Essays upon the Ballance of Power to be found fault with, that state the Case as it really is, and give us so clear an insight into the Miscarriages that are likely to attend too precipitate Consultations? He lays down the Reasons both for and against a War so clearly, and handles it with that sincerity of Judgment, that he leaves the Reader wholly to determine which is most adviseable in our present Condition, and a Gentleman of his known Integrity and Sense, that has refus'd several Offers to engage with another Party, in any understanding Adam's Opinion cannot be thought to be prevail'd on by a Smile, especially when Mr. How's Reasons are well known to be more Cogent than his Looks.

When he speaks for a War, 'tis very coldly, and in other Places he takes care to destroy the Forte of what he said; in one place he tells us "That we reap little from a War but the Perils and Losses with which it is like to be attended. This is but a small Encouragement to it. In another he is afraid "such a Debt will be at last Contracted, and most of it abroad, as in time must impoverish and sink England. What then must we do? Why, "all Englishmen ought seriously to consider this Reflection which *MACHIAVEL* makes, "That when a Prince, or Commonwealth, arrives at that height of Reputation, that no Neighbour, Prince, or People, dares venture to invade him (unless compell'd by indispensable Necessity) he may do what he pleases. In all probability, says he, The French are now arriv'd to this formidable pitch of Greatness, unless the Spaniards shew more Courage than has appear'd in any Measures they have taken these last hundred Years. Anf.

Ans^w. A Person that writes impartially, must as well shew the Difficulty of an Enterprize, and point out the Misfortunes that may casually attend it, as buoy up his Reader's Imagination with the hope of Success; and if the Dr. tells us we can Reap little by a War, &c. it's no more than what is visible to any Man of Sense, since we have no Pretensions on our own Parts, either upon France and Spain, and whatever Articles are concluded on between the Emperor, France, and Holland, as the Result of a War, it is to be feared, neither Ostend or Newport will fall into our Hands, any more than the Rich Town of Carthagena, since we have much the same Right and Title to the Mines of Peru and Mexico, as we have to any individual strong Hold in Flanders. As for the French Greatness, I presume, he can say nothing to detract from it, and I must agree with the Dr. that unless the Spaniards revive that Courage which has been in so long a state of Declension, that their Antient Monarchy's Grandeur will be forgotten and swallowed up in the Glory of that which has now furnish'd it with a Prince, that cannot make it Greater than the Kingdom he drew his first Breath in.

If this be so, that the Power of the French is grown too great to be resisted, and we have no hopes but from the Spaniards taking good Measures, we are in a very miserable Condition. But ho'd, he shews us some hopes yet, " If they can so prevail, as to
 " make their young Prince become a good
 " Spaniard; if they can divide him from French
 " Councils, --- if the quiet Reception he is like
 " to find make French Councils, and French Sup-
 " ports no longer necessary to him, those fears
 " will be somewhat allay'd, which we now la-
 " bour under. But are there any hopes that
 " will be so? Yes sure, very great; " He gives
 " us promising Hopes of his Person, and that a
 " martial

" martial young Prince, if he be endow'd with
 " any share of his Grandfather's Conduct and
 " Wisdom, may put *Spain* into a better Condition
 " than it has lately been, to oppose *France* in
 " any Attempts it may hereafter make upon
 " the Liberties of *Europe*.

Ans^r. Either the Spaniards must take measures disagreeable to the French Interest, or the Emperor's Army in Italy is not likely to make very Successful Campaigns, or keep Garrison in the Castle of Milan; and if they can't prevail with their young Prince to become a Good Spaniard, 'tis very probable he will be accounted an Excellent Frenchman. It is our Business therefore undoubtedly, not to fall out with him, but since we have Recogniz'd his Accession to the Throne, to live in Amity and a good Understanding with him, that he may not be forc'd to put his whole Dominions under the Protection of France, and surrender up the Netherlands to his Grandfather and his Heirs for ever by a Treaty of Partition, which would be very disagreeable to England and Holland, in order to preserve the rest of that vast Monarchy to himself.

O wonderful Contrivance to serve his Masters and perluade *England* to lay aside all thoughts of War! Could he expect to do it by such little fetches as these, to scare a great and warlike People with his paltry representations of the Power of *France*? Or to lull a wise Nation asleep with such a silly prospect of Security? Yet this is one of the great Machins which C---t Tal---rd the chief Fr---ch Engineer in *England* has made use of, not only to bomb great Ministers, and every thing he has a mind to reduce to Ashes, but to batter down all the strong Holds and Fortresses of our Religion and Liberties. This is he that

is caress'd by great Men of our own Court; this is he that is employ'd to teach young Gentlemen the *Business of the Nation*; who is to tell them in print a little before the Session begins, what they are to do the next Session. If this be our Condition, that the weighty Affairs of the Kingdom must be manag'd by Senators, who are to learn their Wisdom from such a Wretch as this, in Charity we ought to pray for them, in the Language of our Saviour, *Forgive them, for they know not what they do*; but for our selves, in those which we write over the Doors of Pelt-houses, *Lord have Mercy upon us*.

Ans^r. Now the Man of Argument is fallen into a downright Rapture, and is troubled with an Oratorical fit by way of Exclamation! The Dr. said, the young King of Spain gives us promising hopes of his Person, &c. and may learn from his Grandfather's Politicks how to Oppose France in any Attempts on the Liberties of Europe. Where is the harm in these Expressions, thou great Lover of Interjections; that art mov'd by such a sudden Passion of the Mind? Does an Ambitious King mind the Ties of Blood, or Obligations of Kindred? Will a Prince that rules over a Jealous turbulent, and Proud People as the Spaniards are, so far endanger the Loss of his Crown, as to act contrary to the Sentiments of his Subjects. Have not they been bred up in an Aversion to the French Nation, and almost sworn at the Altars in their very Infancy as Hannibal against Rome, to maintain a perpetual Enmity with 'em. Are not they at this time uneasy at the Conduct of the Regency that have permitted so many French Gentlemen to attend their King, and will they ever shake off
their

their Resentments for some indignities lately offer'd by them to the Natives? 'Tis impossible they must lose their very Natures before they can part with their Hatred; and if the Dr. is Caress'd by great Men of the Court, its certainly a sign that he cannot be in the Interest of France, or King Will. must have a very Treacherous Ministry.

If he, who in times of the greatest Danger, when it most nearly concern'd Fr--ce to try the power of her Gold here in England, has been highly courted by her Tal--rd, and given very great demonstrations of his Zeal to gratify the Ambition of that Kingdom, can make himself and Interest, not only to be protected in his Insolencies, but to be courted likewise by a Party, and besides all this, to have the Honour confer'd upon him, of being made the Leader of the Blind; 'tis easy to see what in a short time must be our Doom: that between the Management and Conduct of Men of too much Intreague, and too little Understanding, we must fall under the Dominion of French Tyranny and Popery.

Ans^r. An Ingenious Man will be caress'd by Men of all Persuasions. and Count Tallard was such a Judge of Conversation, that he could not miss him amongst the rest of those Polite Gentlemen he made his Court to; and if to discourse with a French Minister, or sit at Table with him, is a Token of being Brind by him, we have several Noble Peers, and amongst them great Officers of State that have spent an Evening with his late Excellency, and have certainly been Partakers of his Largesses. But without doubt our present Ministry is of another stamp, and the Gentlemen in it are too well satisfy'd with their Places of Honour and Profit, to contribute any thing towards the support of an Interest that is contrary to theirs; and the Dr. is Remarkable for such a Love to the welfare of his Country, and such an earnest desire for its Prosperity, that he is ready to forego any mercenary Advantage whatever, and prefer

its Consideration to all things that are accounted valuable.

This the *Kentish* Gentlemen thought they had Reason to fear, would be the Effect of the Measures taken by our Parliament, before they offer'd their Petition. To descend to the particulars of their Proceedings, which brought them under the so universal Censure and Displeasure of the People, would be too invidious an Undertaking, and raise this little Discourse to a much greater bulk than I designed. My Intention is only to shew, that the Gentlemen had Reasons to offer their Petition at that time. If one or two good ones are sufficient to justify them, and they may be taken notice of without any great Offence, I must desire my Reader to rest satisfied with my mentioning them. Matters that are nicer and not so well bear touching, I leave to be handled by Men of more Penetration, whose Fears (I will not say Concern) for the Publick are greater perhaps than mine are.

Ans^r. Popery and Slavery have been at too great a distance from Kent, or any other Part of the Kingdom for these twelve Years last past, to make the Subject apprehensive of any ill Effects from it: And his Reasons must be better than any he has given yet to persuade us to believe that his five WORTHIES fear had any grounds for 'em, at least such as deserve to be handled by an Abler Pen than his own, that has such a mighty concern for the security of the Publick.

If those Petitioners were really persuaded that Fr--ch Gold had any influence in the management of Publick Affairs, 'twas a sufficient Reason for them to endeavour by such a Petition, either to make the Ho--se of Com-- take other Measures, or to dispose the other parts of the Kingdom to follow their Example. That they were of this Persuasion, we have very good Reasons to believe. We know what one of the five Gentle-
men

was said in a very publick Place, some Weeks before the Petition was offer'd, to Sir Fr---d---ld, a Member of Parliament, concerning the Inclination of the Ho---se of Commons to serve the Fr---ch K---g. 'Tis not probable that that Gentleman would have been so bold to speak openly, to a Member who was entirely in the Interest of that Party, which he affected, words which the other call'd Seditious, should not reckon'd it a Service he ow'd his Country, in a very great and dangerous Crisis.

Ans. *A Man cannot be really persuaded of the truth of a Matter, unless he satisfies himself from Ocular Demonstration, or other indubitable Proofs; therefore the Kentish Petitioners must either actually have seen Count Tallard distributing his French Gold, or receiv'd the Truth of it from unquestionable Authority, or according to their Advocate's own Argument which is a convertible Proposition, their Petition must be groundless; and 'tis not to be suppos'd but any one of that Company which had Forehead enough to behave themselves so Irreverently to the whole Body of Parliament, would not stick to affront Sir Francis Child who was only a single Member of the House.*

About the time they petition'd, this suspicion was grown so universal, that what a Gentleman told Sir Ed---rd Sey---r in Hampshire, near the time the Parliament rose, that *we were bought and sold*, was the Voice of the People every where. This Jealousy must run very high, and there must sure be very good grounds for it, when a very great Lord could say, in a very August Assembly, just two days after that Petition was deliver'd, that some things that were done, shew'd that there was Fr---ch Money in the Case.

Ans. *Without doubt Sir Edward Seymour return'd a suitable Answer to the Hampshire Gentleman, and was not wanting in his vindication of that House he had the Honour to be a Member of: and what a Great Lord said in a very August Assembly*

was spoken in relation to other Peoples being suspected of Bribery not the House of Commons whose Honour he has the highest Deference for.

But this was not all. Those Gentlemen saw, as I observ'd before, that not only all the leading Men of that Party, which bore sway in the Ho---se of Com---ns, but some leading Men in the Nation likewise, us'd all possible endeavours to drive People from the thoughts of War. The those Gentlemen, and the bulk of the People thought the greatest Service that could be done to Fr---ce, and that the certain consequence of that would be, that in a little time we must be content with what Religion, what Liberty, and what Trade Fr---ce would be pleas'd to allow us. This being their sense of things, 'twas a sufficient Reason for them to do what they did.

Ans^r. He has already prov'd the Kentish Gentlemen's fight was not good, because they could see nothing at all of the Matter, but took it upon Hearsay, and yet he dwells upon the Commendation of the clearness of their Forecast, and brings in the Bulk of the People, that is the whole to Justify what was done at a Goal delivery, and vindicate what neither the Bench of Justices could add a sanction to by their subscriptions, or the W. seacres their Impertinent Deputies by their Imprudent behaviour at the Bar of the House of Commons.

What a happy Nation should we be, if others would imitate them in their Zeal, and virtuous Concern for the Publick! Now is the time for Englishmen to shew themselves. Things are brought to the highest Crisis that ever was seen in Europe. Fr---ce plainly designs the Universal Monarchy: 'Tis War only that can determine, whether she shall have it or no, If she prevail, our Fate is manifest we must come under the Dominion of French Popery and Tyranny. If she miscarry, the Misery and Devastation which she

she will bring into her Kingdom, will be greater than, perhaps, she may be ever able to surmount. In this Case *England* will not only continue in Possession of her Religion and Liberties, but become the greatest Nation in the Western World. What our Fate shall be, depends upon our Management now.

Ans. What a senseless Nation should we be, should other Countys imitate their follies, and take a Pattern from their unadvis'd Conduct! What an unhappy State would the People of England labour under, should they take the same Resolutions to Affront their Superiors, and fall out with those Patriots that have done as much for the Preservation of these Realms, as ever Parliament did or People could expect! Our Alliances are maintain'd, Our Fleets are out at Sea, Payment is taken care of for the Publick Debts, and Parliamentary engagements to the lasting Honour of this Session are once more accounted sacred. What could be the done on the Part of the Subject, or hop'd for to the Assistance of the Prince?

'Tis plain, that without a War we are undone, so we may with it, if those who have the Management of Publick Affairs, should happen to be in the Interest of the abdicated Family, or common Enemy, or should be under the old Prejudices against the *Dutch*, which were in the late Reigns. We know what suspicions we have had, and what grounds there were for them; this makes it absolutely necessary, that the Nation represent it self anew. 'Twould be very surprising to see the present *Par---nt* sit again, when a great Party in it has given such Umbrage to the Nation; when they were thought (as far as it was possible for them to venture, without plainly discovering themselves, and becoming too notorious) to do all that *Fr---ce* could desire to have done. If their Conduct throughout the Session was such as made it evident, that their Address to the King, towards the latter end,

was

was only design'd to prevent their Dissolution, or secure their Election if they should be Dissolv'd; 'twould be as strange to see this Bar continue, as 'twill be to see some chosen again, if it should be dissolv'd. 'Tis upon that Election the Fate of England depend: it care be taken to chuse Persons who love our present Protestant Settlement, and have no manner of Sympathy to France, or the Abolished Family, nothing can prevent the Ruin of France, and England's being made a great and flourishing Kingdom.

Ans^r. 'Twould be very surprising therefore should His Majesty give Ear to some ill disposed Peoples Advice, and dissolve that Parliament that has shewn such Loyalty to his sacred Person, such an Affection for his Confederates, and such a Zeal for the Protestant Interest both at Home and Abroad, that no Session can Parallel. More Money has indeed been rais'd in the last Session, but under more severe of Peace when so many Debts were left unpaid by the precedent Parliaments, and so many burthens on the Publick Funds, so that it is not to be doubted, but the same King that has been supported by 'em should ask Advice of the same Councillors, and that Prince who promis'd to meet 'em again in Parliament next Winter, and gave 'em such instances of his Satisfaction in his Speech at their last Prorogation, will continue the same he has of their good Services, and have a reliance on their Fidelity so far as to be in a farther condition of returning 'em thanks again for what they shall do for him.



APPENDIX

A. A List of such Members of this present H— of Com—, as refus'd the Voluntary Association in 1695.

SIR J—es Erb—dgc.
 Ld. H—de.
 J—n M—st—n.
 H—y Fl—ng.
 J—n Tr—m.
 Fr—s Gw—n.
 Anth—ny H—nd.
 Sir E—nd S—ur.
 J—n Gr—il.
 Th—s Str—ys.
 Th—s F—ke of Dorset.
 R—d F—nds.
 J—n H—w.
 R—d H—w.
 Th—s Br—ton.
 P—r Sh—ly.
 Sir J—n B—lles.
 G—rt D—cn.
 Sir R—rt J—son.

Henry F—sch.
 Sir E—nd N—ris.
 Th—s R—ley.
 J—mes B—ry.
 J—n K—ston.
 Sir J—n Tr—man.
 H—ry H—mes.
 Sir J—n L—son G—re.
 Sir H—ry G—gh.
 J—n L—ker.
 W—m Br—ley.
 Fr—s Gr—il.
 Sir Ch—r M—re.
 R—rt B—ry.
 W—m H—ory.
 H—ry P—nit.
 S—l S—ft.
 R—t B—ley.
 Sir J—ry J—ys.
 Sir J—v C—ay.

B. Names

